

1 A bill to be entitled
2 An act relating to economic development; amending s.
3 20.60, F.S.; revising required elements of a report
4 prepared by the Department of Economic Opportunity;
5 amending s. 163.3180, F.S.; prohibiting a local
6 government from applying transportation concurrency
7 within its jurisdiction unless certain conditions are
8 met; providing exceptions; providing applicability;
9 providing for expiration of the prohibition; amending
10 s. 163.31801, F.S.; prohibiting a county,
11 municipality, or special district from applying
12 certain impact fees or other fees within its
13 jurisdiction unless certain conditions are met;
14 providing exceptions; providing applicability;
15 providing for expiration of the prohibition; amending
16 s. 212.20, F.S.; conforming provisions to changes made
17 by the act; amending s. 220.191, F.S.; excluding
18 certain funds from the definition of "cumulative
19 capital investment"; amending s. 288.005, F.S.;
20 revising the definition of "economic benefits" to
21 include all state funds; amending s. 288.061, F.S.;
22 revising evaluation and contract requirements of the
23 economic development incentive application process;
24 amending s. 288.076, F.S.; conforming a cross-
25 reference; revising the definition of "state
26 investment" to include all state funds spent or

27 | forgone to benefit a business; amending s. 288.1045,
 28 | F.S.; revising provisions of the qualified defense
 29 | contractor and space flight business tax refund
 30 | program; revising definitions; revising, providing
 31 | limitations on, and authorizing waivers from local
 32 | financial support requirements; revising provisions
 33 | applicable to a rural areas of opportunity;
 34 | authorizing certain qualified applicants to receive a
 35 | tax refund by providing certain information to the
 36 | Department of Economic Opportunity; delaying the
 37 | expiration date of the qualified defense contractor
 38 | and space flight business tax refund program; amending
 39 | s. 288.106, F.S.; revising provisions of the tax
 40 | refund program for qualified target industry
 41 | businesses; revising definitions; revising, providing
 42 | limitations on, and authorizing waivers from local
 43 | financial support requirements; revising provisions
 44 | applicable to a rural area of opportunity; repealing
 45 | provisions regarding economic recovery extensions of
 46 | certain tax refund agreements; amending s. 288.108,
 47 | F.S.; revising provisions relating to high-impact
 48 | businesses; defining "local financial support";
 49 | authorizing certain waivers from local financial
 50 | support requirements; revising application
 51 | requirements and requiring the Department of Economic
 52 | Opportunity to certify high-impact business grant

53 applications; providing requirements for the Governor
 54 relating to such applications; providing contract and
 55 department validation requirements for such
 56 applications; amending s. 288.1088, F.S.; revising
 57 provisions regarding the Quick Action Closing Fund;
 58 revising project eligibility requirements; providing
 59 limitations on and authorizing waivers from local
 60 financial support requirements; revising contract
 61 requirements for certain projects eligible for funding
 62 through the Quick Action Closing Fund; revising
 63 approval requirements for amendments or modifications
 64 of contract requirements for such projects; revising
 65 requirements of the Governor relating to certain
 66 projects eligible for funding through the Quick Action
 67 Closing Fund; amending s. 288.1089, F.S.; revising
 68 provisions relating to the Innovation Incentive
 69 Program; revising definitions; revising provisions
 70 applicable to a rural areas of opportunity; limiting
 71 wage requirement waivers in certain circumstances;
 72 authorizing and providing limitations on waivers from
 73 local financial support requirements relating to the
 74 program; revising requirements of the Governor and the
 75 Department of Economic Opportunity relating to certain
 76 projects eligible for funding through the program;
 77 revising contract requirements for such projects;
 78 revising approval requirements for amendments or

79 modifications of contract requirements for such
 80 projects; repealing ss. 288.1168 and 288.1169, F.S.,
 81 relating to state agency funding of the professional
 82 golf hall of fame facility and the International Game
 83 Fish Association World Center facility, respectively;
 84 amending s. 288.901, F.S.; providing that it is a
 85 purpose of Enterprise Florida, Inc., to foster and
 86 encourage high-technology startup and second-state
 87 business development; revising expertise requirements
 88 of members of the board of directors of Enterprise
 89 Florida, Inc.; amending ss. 288.9602, 288.9605, and
 90 288.9610, F.S.; revising provisions relating to the
 91 Florida Development Finance Corporation to remove
 92 references to interlocal agreements made pursuant to
 93 the Florida Interlocal Cooperation Act and to remove
 94 requirements that the corporation enter into such
 95 agreements; amending s. 288.9604, F.S.; providing that
 96 actions taken by the board of directors of the Florida
 97 Development Finance Corporation are valid without
 98 regard to vacancies on the board; amending s.
 99 288.9606, F.S.; deleting a requirement that the
 100 Florida Development Finance Corporation receive
 101 authority to issue revenue bonds from a public agency;
 102 authorizing the corporation to issue revenue bonds or
 103 other evidences of indebtedness; revising requirements
 104 for such issuance; conforming provisions to changes

105 made by the act; amending s. 288.991, F.S.; revising a
 106 short title; amending ss. 288.9914 and 288.9917, F.S.;
 107 specifying that certain timeframes relating to
 108 Department of Economic Opportunity qualified
 109 investment applications are measured in calendar days;
 110 creating s. 288.9923, F.S.; restricting certain
 111 qualified active low-income community businesses from
 112 holding certain ownership or investment interests in
 113 specified qualified community development entities or
 114 affiliates after a specified period; providing
 115 applicability; creating s. 290.913, F.S.; creating the
 116 Startup Florida Initiative; providing legislative
 117 findings; providing definitions; requiring Enterprise
 118 Florida, Inc., to develop a statewide strategic plan
 119 for high-technology startup and second-stage business
 120 growth and development; providing requirements for the
 121 plan; requiring Enterprise Florida, Inc., to market
 122 the plan inside and outside the state; requiring
 123 Enterprise Florida, Inc., to provide information about
 124 the plan in its annual report; amending ss. 189.033,
 125 196.012, 288.0001, 288.11625, and 288.11631, F.S.;
 126 conforming cross-references; extending and renewing
 127 certain permits subject to certain expiration dates;
 128 providing applicability of the extension to certain
 129 related activities; providing for extension of
 130 commencement and completion dates; requiring

131 | permitholders to notify authorizing agencies of intent
 132 | to use the extension and anticipated time of the
 133 | extension; specifying nonapplicability to certain
 134 | permits; providing applicability of certain rules to
 135 | extended permits; preserving the authority of counties
 136 | and municipalities to impose certain security and
 137 | sanitary requirements on property owners under certain
 138 | circumstances; requiring permitholders to notify
 139 | permitting agencies of intent to use the extension;
 140 | creating s. 290.50, F.S.; providing requirements for
 141 | the creation and operation of a designated local
 142 | enterprise zone program; creating s. 290.60, F.S.;
 143 | providing requirements for the Department of Economic
 144 | Opportunity to certify and decertify a local
 145 | enterprise zone; authorizing the department to adopt
 146 | rules; requiring the department to develop certain
 147 | marketing information; requiring the department's
 148 | annual report to contain certain information;
 149 | providing an effective date.

150 |

151 | Be It Enacted by the Legislature of the State of Florida:

152 |

153 | Section 1. Subsection (10) of section 20.60, Florida
 154 | Statutes, is amended to read:

155 | 20.60 Department of Economic Opportunity; creation; powers
 156 | and duties.—

157 (10) The department, with assistance from Enterprise
 158 Florida, Inc., shall, by November 1 of each year, submit an
 159 annual report to the Governor, the President of the Senate, and
 160 the Speaker of the House of Representatives on the condition of
 161 the business climate and economic development in the state.

162 (a) The report must include the identification of problems
 163 and a prioritized list of recommendations.

164 (b) The report must incorporate annual reports of other
 165 programs, including:

166 1. The displaced homemaker program established under s.
 167 446.50.

168 2. Information provided by the Department of Revenue under
 169 s. 290.014.

170 3. Information provided by enterprise zone development
 171 agencies under s. 290.0056 and an analysis of the activities and
 172 accomplishments of each enterprise zone.

173 4. The Economic Gardening Business Loan Pilot Program
 174 established under s. 288.1081 and the Economic Gardening
 175 Technical Assistance Pilot Program established under s.
 176 288.1082.

177 5. A detailed report of the performance of the Black
 178 Business Loan Program and a cumulative summary of quarterly
 179 report data required under s. 288.714.

180 6. The Rural Economic Development Initiative established
 181 under s. 288.0656.

182 7. A detailed analysis of the information provided by

183 community development entities pursuant to the New Markets
 184 Development Program Act in s. 288.9918. The first annual report
 185 that includes such analysis shall analyze all data the
 186 department has received from community development entities
 187 since the inception of the New Markets Development Program Act.

188 Section 2. Subsection (7) is added to section 163.3180,
 189 Florida Statutes, to read:

190 163.3180 Concurrency.—

191 (7) (a) Notwithstanding any other provision of law,
 192 ordinance, or resolution, before July 1, 2018, a local
 193 government may only apply transportation concurrency within its
 194 jurisdiction or require a proportionate-share contribution or
 195 construction for a new business development if authorized by
 196 supermajority vote of the local government's governing
 197 authority. This paragraph does not apply to:

198 1. Proportionate-share contribution or construction
 199 assessed on an existing business development before July 1,
 200 2015.

201 2. A new business development that consists of more than
 202 6,000 square feet and has a classification other than
 203 residential.

204 3. A new business development that will include a business
 205 that employs more than 12 full-time employees.

206 (b) In order to maintain the exemption from transportation
 207 concurrency and proportionate-share contribution or construction
 208 pursuant to paragraph (a), a new business development must

209 receive a certificate of occupancy on or before July 1, 2019. If
 210 the certificate of occupancy is not received by July 1, 2019,
 211 the local government may apply transportation concurrency and
 212 require the appropriate proportionate-share contribution or
 213 construction for the business development that would otherwise
 214 be applied. An outstanding obligation related to the
 215 proportionate-share contribution or construction runs with the
 216 land and is enforceable against any person claiming a fee
 217 interest in the land subject to the obligation.

218 (c) This subsection does not apply if such application
 219 results in a reduction of previously pledged revenue of a local
 220 government for outstanding bonds or notes or to a local
 221 government with a mobility fee-based funding system in place on
 222 or before January 1, 2015.

223 (d) A developer may, upon written notification to the
 224 local government, elect to have the local government apply
 225 transportation concurrency and proportionate-share contribution
 226 or construction to a business development.

227 (e) This subsection expires July 1, 2019.

228 Section 3. Subsection (6) is added to section 163.31801,
 229 Florida Statutes, to read:

230 163.31801 Impact fees; short title; intent; definitions;
 231 ordinances levying impact fees.—

232 (6) (a) Notwithstanding any other provision of law,
 233 ordinance, or resolution, before July 1, 2018, a county,
 234 municipality, or special district may only impose a new or

235 existing impact fee or a new or existing fee associated with the
 236 mitigation of transportation impacts on a new business
 237 development if authorized by supermajority vote of the governing
 238 body of the county, municipality, or special district. This
 239 paragraph does not apply to:

240 1. An impact fee or fee associated with the mitigation of
 241 transportation impacts previously enacted by law, ordinance, or
 242 resolution assessed on an existing business development before
 243 July 1, 2015.

244 2. A new business development that consists of more than
 245 6,000 square feet and has a classification other than
 246 residential.

247 3. A new business development that will include a business
 248 that employs more than 12 full-time employees.

249 (b) The governing authority of a county, municipality, or
 250 special district imposing an impact fee in existence on July 1,
 251 2014, must reauthorize the imposition of the fee pursuant to
 252 this subsection.

253 (c) In order to maintain the exemption from impact fees
 254 and fees associated with the mitigation of transportation
 255 impacts pursuant to paragraph (a), a new business development
 256 must receive a certificate of occupancy on or before July 1,
 257 2019. If the certificate of occupancy is not received by July 1,
 258 2019, the county, municipality, or special district may impose
 259 the appropriate impact fees and fees associated with the
 260 mitigation of transportation impacts on the business development

261 that would otherwise be applied. An outstanding obligation
 262 related to impact fees and fees associated with the mitigation
 263 of transportation impacts on the business development runs with
 264 the land and is enforceable against any person claiming a fee
 265 interest in the land subject to the obligation.

266 (d) This subsection does not apply if such application
 267 results in a reduction of previously pledged revenue of a
 268 county, municipality, or special district for outstanding bonds
 269 or notes or to a county, municipality, or special district with
 270 a mobility fee-based funding system in place on or before
 271 January 1, 2015.

272 (e) A developer may, upon notification to the county,
 273 municipality, or special district, elect to have impact fees and
 274 fees associated with the mitigation of transportation impacts
 275 imposed on a business development.

276 (f) This subsection expires July 1, 2019.

277 Section 4. Paragraph (d) of subsection (6) of section
 278 212.20, Florida Statutes, is amended to read:

279 212.20 Funds collected, disposition; additional powers of
 280 department; operational expense; refund of taxes adjudicated
 281 unconstitutionally collected.—

282 (6) Distribution of all proceeds under this chapter and
 283 ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

284 (d) The proceeds of all other taxes and fees imposed
 285 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
 286 and (2)(b) shall be distributed as follows:

287 | 1. In any fiscal year, the greater of \$500 million, minus
 288 | an amount equal to 4.6 percent of the proceeds of the taxes
 289 | collected pursuant to chapter 201, or 5.2 percent of all other
 290 | taxes and fees imposed pursuant to this chapter or remitted
 291 | pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
 292 | monthly installments into the General Revenue Fund.

293 | 2. After the distribution under subparagraph 1., 8.8854
 294 | percent of the amount remitted by a sales tax dealer located
 295 | within a participating county pursuant to s. 218.61 shall be
 296 | transferred into the Local Government Half-cent Sales Tax
 297 | Clearing Trust Fund. Beginning July 1, 2003, the amount to be
 298 | transferred shall be reduced by 0.1 percent, and the department
 299 | shall distribute this amount to the Public Employees Relations
 300 | Commission Trust Fund less \$5,000 each month, which shall be
 301 | added to the amount calculated in subparagraph 3. and
 302 | distributed accordingly.

303 | 3. After the distribution under subparagraphs 1. and 2.,
 304 | 0.0956 percent shall be transferred to the Local Government
 305 | Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
 306 | to s. 218.65.

307 | 4. After the distributions under subparagraphs 1., 2., and
 308 | 3., 2.0603 percent of the available proceeds shall be
 309 | transferred monthly to the Revenue Sharing Trust Fund for
 310 | Counties pursuant to s. 218.215.

311 | 5. After the distributions under subparagraphs 1., 2., and
 312 | 3., 1.3517 percent of the available proceeds shall be

313 transferred monthly to the Revenue Sharing Trust Fund for
 314 Municipalities pursuant to s. 218.215. If the total revenue to
 315 be distributed pursuant to this subparagraph is at least as
 316 great as the amount due from the Revenue Sharing Trust Fund for
 317 Municipalities and the former Municipal Financial Assistance
 318 Trust Fund in state fiscal year 1999-2000, no municipality shall
 319 receive less than the amount due from the Revenue Sharing Trust
 320 Fund for Municipalities and the former Municipal Financial
 321 Assistance Trust Fund in state fiscal year 1999-2000. If the
 322 total proceeds to be distributed are less than the amount
 323 received in combination from the Revenue Sharing Trust Fund for
 324 Municipalities and the former Municipal Financial Assistance
 325 Trust Fund in state fiscal year 1999-2000, each municipality
 326 shall receive an amount proportionate to the amount it was due
 327 in state fiscal year 1999-2000.

328 6. Of the remaining proceeds:

329 a. In each fiscal year, the sum of \$29,915,500 shall be
 330 divided into as many equal parts as there are counties in the
 331 state, and one part shall be distributed to each county. The
 332 distribution among the several counties must begin each fiscal
 333 year on or before January 5th and continue monthly for a total
 334 of 4 months. If a local or special law required that any moneys
 335 accruing to a county in fiscal year 1999-2000 under the then-
 336 existing provisions of s. 550.135 be paid directly to the
 337 district school board, special district, or a municipal
 338 government, such payment must continue until the local or

339 special law is amended or repealed. The state covenants with
 340 holders of bonds or other instruments of indebtedness issued by
 341 local governments, special districts, or district school boards
 342 before July 1, 2000, that it is not the intent of this
 343 subparagraph to adversely affect the rights of those holders or
 344 relieve local governments, special districts, or district school
 345 boards of the duty to meet their obligations as a result of
 346 previous pledges or assignments or trusts entered into which
 347 obligated funds received from the distribution to county
 348 governments under then-existing s. 550.135. This distribution
 349 specifically is in lieu of funds distributed under s. 550.135
 350 before July 1, 2000.

351 b. The department shall distribute \$166,667 monthly to
 352 each applicant certified as a facility for a new or retained
 353 professional sports franchise pursuant to s. 288.1162. Up to
 354 \$41,667 shall be distributed monthly by the department to each
 355 certified applicant as defined in s. 288.11621 for a facility
 356 for a spring training franchise. However, not more than \$416,670
 357 may be distributed monthly in the aggregate to all certified
 358 applicants for facilities for spring training franchises.
 359 Distributions begin 60 days after such certification and
 360 continue for not more than 30 years, except as otherwise
 361 provided in s. 288.11621. A certified applicant identified in
 362 this sub-subparagraph may not receive more in distributions than
 363 expended by the applicant for the public purposes provided in s.
 364 288.1162(5) or s. 288.11621(3).

365 ~~e. Beginning 30 days after notice by the Department of~~
366 ~~Economic Opportunity to the Department of Revenue that an~~
367 ~~applicant has been certified as the professional golf hall of~~
368 ~~fame pursuant to s. 288.1168 and is open to the public, \$166,667~~
369 ~~shall be distributed monthly, for up to 300 months, to the~~
370 ~~applicant.~~

371 ~~d. Beginning 30 days after notice by the Department of~~
372 ~~Economic Opportunity to the Department of Revenue that the~~
373 ~~applicant has been certified as the International Game Fish~~
374 ~~Association World Center facility pursuant to s. 288.1169, and~~
375 ~~the facility is open to the public, \$83,333 shall be distributed~~
376 ~~monthly, for up to 168 months, to the applicant. This~~
377 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~
378 ~~lump sum payment of \$999,996 shall be made after certification~~
379 ~~and before July 1, 2000.~~

380 c.e. The department shall distribute up to \$83,333 monthly
381 to each certified applicant as defined in s. 288.11631 for a
382 facility used by a single spring training franchise, or up to
383 \$166,667 monthly to each certified applicant as defined in s.
384 288.11631 for a facility used by more than one spring training
385 franchise. Monthly distributions begin 60 days after such
386 certification or July 1, 2016, whichever is later, and continue
387 for not more than 20 years to each certified applicant as
388 defined in s. 288.11631 for a facility used by a single spring
389 training franchise or not more than 25 years to each certified
390 applicant as defined in s. 288.11631 for a facility used by more

391 than one spring training franchise. A certified applicant
 392 identified in this sub-subparagraph may not receive more in
 393 distributions than expended by the applicant for the public
 394 purposes provided in s. 288.11631(3).

395 ~~d.f.~~ Beginning 45 days after notice by the Department of
 396 Economic Opportunity to the Department of Revenue that an
 397 applicant has been approved by the Legislature and certified by
 398 the Department of Economic Opportunity under s. 288.11625 or
 399 upon a date specified by the Department of Economic Opportunity
 400 as provided under s. 288.11625(6)(d), the department shall
 401 distribute each month an amount equal to one-twelfth of the
 402 annual distribution amount certified by the Department of
 403 Economic Opportunity for the applicant. The department may not
 404 distribute more than \$7 million in the 2014-2015 fiscal year or
 405 more than \$13 million annually thereafter under this sub-
 406 subparagraph.

407 7. All other proceeds must remain in the General Revenue
 408 Fund.

409 Section 5. Paragraph (b) of subsection (1) of section
 410 220.191, Florida Statutes, is amended to read:

411 220.191 Capital investment tax credit.—

412 (1) DEFINITIONS.—For purposes of this section:

413 (b) "Cumulative capital investment" means the total
 414 capital investment in land, buildings, and equipment made by or
 415 on behalf of the qualifying business in connection with a
 416 qualifying project during the period from the beginning of

417 construction of the project to the commencement of operations.
 418 The term does not include funds granted to or spent on behalf of
 419 the qualifying business by the state, a local government, or
 420 other governmental entity; funds appropriated in the General
 421 Appropriations Act; or funds otherwise provided to the
 422 qualifying business by a state agency, local government, or
 423 other governmental entity.

424 Section 6. Subsection (1) of section 288.005, Florida
 425 Statutes, is amended to read:

426 288.005 Definitions.—As used in this chapter, the term:

427 (1) "Economic benefits" means the direct, indirect, and
 428 induced gains in state revenues as a percentage of the state's
 429 investment. The state's investment includes all state funds
 430 spent or forgone to benefit the business, including, but not
 431 limited to, state funds appropriated to public and private
 432 entities, state grants, tax exemptions, tax refunds, tax
 433 credits, and other state incentives.

434 Section 7. Subsection (2) and paragraph (a) of subsection
 435 (3) of section 288.061, Florida Statutes, are amended to read:

436 288.061 Economic development incentive application
 437 process.—

438 (2) (a) ~~Beginning July 1, 2013,~~ The department shall review
 439 and evaluate each economic development incentive application for
 440 the economic benefits of the proposed award of state incentives
 441 proposed for the project. Such review shall occur before the
 442 department's approval of an economic development incentive

443 application and each time an approved incentive agreement or
444 contract is amended, extended, or otherwise altered by the
445 department or Enterprise Florida, Inc. The department shall
446 notify the Legislature within 5 business days of any contract
447 amendment or use of an incentive contract extension. Except as
448 otherwise provided for by law, the department may not execute an
449 amendment to an incentive agreement or contract for a project
450 whose economic benefits have been reduced unless the award of
451 state incentives outlined in the incentive agreement or contract
452 have been reduced by a proportionate amount. In the department's
453 evaluation of an economic development incentive application, the
454 department may not attribute to the business any capital
455 investment made by the business using state funds.

456 (b) As used in this subsection, the term "economic
457 benefits" has the same meaning as provided in s. 288.005. The
458 Office of Economic and Demographic Research shall establish the
459 methodology and model used to calculate the economic benefits
460 and shall establish guidelines for appropriate application of
461 the model. For purposes of this requirement, an amended
462 definition of "economic benefits" may be developed by the Office
463 of Economic and Demographic Research but must include all state
464 funds spent or forgone to benefit a business, including, but not
465 limited to, state funds appropriated to public and private
466 entities, state grants, tax exemptions, tax refunds, tax
467 credits, other state incentives, and any other source of state
468 funds which should reasonably be known to the department at the

469 time of approval.

470 (c) For the purpose of calculating the economic benefits
471 of a project, the department may not attribute to the business
472 any capital investment made by the business using state funds.

473 (d) For the purpose of evaluating economic development
474 incentive applications, the department shall consider the
475 cumulative capital investment, as defined in s. 220.191.

476 (3) Within 10 business days after the department receives
477 the submitted economic development incentive application, the
478 executive director shall approve or disapprove the application
479 and issue a letter of certification to the applicant which
480 includes a justification of that decision, unless the business
481 requests an extension of that time.

482 (a) The contract or agreement with the applicant must
483 specify the total amount of the award, the performance
484 conditions that must be met to obtain the award, the schedule
485 for payment, and sanctions that would apply for failure to meet
486 performance conditions. The contract or agreement with the
487 applicant must require that the applicant use the state's job
488 bank system to advertise job openings created as a result of the
489 state incentive agreement. The department may enter into one
490 agreement or contract covering all of the state incentives that
491 are being provided to the applicant. The contract must provide
492 that release of funds is contingent upon sufficient
493 appropriation of funds by the Legislature. The state may not
494 enter into a contract or agreement with a term of more than 10

495 years with any applicant.

496 Section 8. Paragraphs (c) and (e) of subsection (1) of
497 section 288.076, Florida Statutes, are amended to read:

498 288.076 Return on investment reporting for economic
499 development programs.—

500 (1) As used in this section, the term:

501 (c) "Project" has the same meaning as provided in s.
502 288.106(2)(1) ~~288.106(2)(m)~~.

503 (e) "State investment" means all state funds spent or
504 forgone to benefit a business, including, but not limited to,
505 state funds appropriated to public and private entities, state
506 grants, tax exemptions, tax refunds, tax credits, and any other
507 source of state funds which should reasonably be known to the
508 department at the time of approval ~~any state grants, tax~~
509 ~~exemptions, tax refunds, tax credits, or other state incentives~~
510 ~~provided to a business under a program administered by the~~
511 ~~department,~~ including the capital investment tax credit under s.
512 220.191.

513 Section 9. Subsection (1), paragraph (b) of subsection
514 (2), paragraphs (b), (c), (d), and (j) of subsection (3), and
515 subsection (7) of section 288.1045, Florida Statutes, are
516 amended, to read:

517 288.1045 Qualified defense contractor and space flight
518 business tax refund program.—

519 (1) DEFINITIONS.—As used in this section:

520 (a) "Applicant" means any business entity that holds a

521 valid Department of Defense contract or space flight business
 522 contract, any business entity that is a subcontractor under a
 523 valid Department of Defense contract or space flight business
 524 contract, or any business entity that holds a valid contract for
 525 the reuse of a defense-related facility, including all members
 526 of an affiliated group of corporations as defined in s.
 527 220.03(1) (b) .

528 (b) "Average private sector wage in the area" means the
 529 average of all wages and salaries in ~~the state,~~ the county, ~~or~~
 530 ~~in the standard metropolitan area~~ in which the project business
 531 ~~unit~~ is located.

532 (c) "Business unit" means an employing unit, as defined in
 533 s. 443.036, that is registered with the department for
 534 reemployment assistance purposes or means a subcategory or
 535 division of an employing unit that is accepted by the department
 536 as a reporting unit.

537 (d) "Consolidation of a Department of Defense contract"
 538 means the consolidation of one or more of an applicant's
 539 facilities under one or more Department of Defense contracts,
 540 from outside this state or from inside and outside this state,
 541 into one or more of the applicant's facilities inside this
 542 state.

543 (e) "Consolidation of a space flight business contract"
 544 means the consolidation of one or more of an applicant's
 545 facilities under one or more space flight business contracts,
 546 from outside this state or from inside and outside this state,

547 into one or more of the applicant's facilities inside this
 548 state.

549 (f) "Contract for reuse of a defense-related facility"
 550 means a contract with a duration of 2 or more years for the use
 551 of a facility for manufacturing, assembling, fabricating,
 552 research, development, or design of tangible personal property,
 553 but excluding any contract to provide goods, improvements to
 554 real or tangible property, or services directly to or for any
 555 particular military base or installation in this state. Such
 556 facility must be located within a port, as defined in s. 313.21,
 557 and have been occupied by a business entity that held a valid
 558 Department of Defense contract or occupied by any branch of the
 559 Armed Forces of the United States, within 1 year of any contract
 560 being executed for the reuse of such facility. A contract for
 561 reuse of a defense-related facility may not include any contract
 562 for reuse of such facility for any Department of Defense
 563 contract for manufacturing, assembling, fabricating, research,
 564 development, or design.

565 (g) "Department of Defense contract" means a competitively
 566 bid Department of Defense contract or subcontract or a
 567 competitively bid federal agency contract or subcontract issued
 568 on behalf of the Department of Defense for manufacturing,
 569 assembling, fabricating, research, development, or design with a
 570 duration of 2 or more years, but excluding any contract or
 571 subcontract to provide goods, improvements to real or tangible
 572 property, or services directly to or for any particular military

573 base or installation in this state. The term includes contracts
 574 or subcontracts for products or services for military use or
 575 homeland security which contracts or subcontracts are approved
 576 by the United States Department of Defense, the United States
 577 Department of State, or the United States Department of Homeland
 578 Security.

579 (h) "Fiscal year" means the fiscal year of the state.

580 (i) "Jobs" means full-time equivalent positions,
 581 including, but not limited to, positions obtained from a
 582 temporary employment agency or employee leasing company or
 583 through a union agreement or coemployment under a professional
 584 employer organization agreement, that result directly from a
 585 project in this state. This number does not include temporary
 586 construction jobs involved with the construction of facilities
 587 for the project.

588 (j) "Local financial support" means funding from local
 589 sources, public or private, which is paid to the Economic
 590 Development Trust Fund and which is equal to 20 percent of the
 591 annual tax refund for a qualified applicant.

592 1. Local financial support may include excess payments
 593 made to a utility company under a designated program to allow
 594 decreases in service by the utility company under conditions,
 595 regardless of when application is made.

596 2. A qualified applicant may not provide, directly or
 597 indirectly, more than 5 percent of such funding in any fiscal
 598 year. The sources of such funding may not include, directly or

599 indirectly, state funds appropriated from the General Revenue
 600 Fund or any state trust fund, excluding tax revenues shared with
 601 local governments pursuant to law.

602 3. A qualified applicant may not receive more than 80
 603 percent of the total tax refunds from state funds that are
 604 allowed such applicant under this section.

605 4. The department may grant a waiver that reduces the
 606 required amount of local financial support for a project to 10
 607 percent of the annual tax refund awarded to a qualified
 608 applicant for a local government, or eliminates the required
 609 amount of local financial support for a project for a local
 610 government located in a rural area of opportunity, as designated
 611 by the Governor pursuant to s. 288.0656. To be eligible to
 612 receive a waiver that reduces or eliminates the required amount
 613 of local financial support, a local government shall provide the
 614 department with:

615 a. A resolution adopted by the governing body of the
 616 county or municipality in whose jurisdiction the project will be
 617 located, requesting the applicant's project be waived from the
 618 local financial support requirement.

619 b. A statement prepared by a Florida certified public
 620 accountant, as defined in s. 473.302, that describes the
 621 financial constraints preventing the local government from
 622 providing the local financial support required by this section.

623 ~~(k) "Local financial support exemption option" means the~~
 624 ~~option to exercise an exemption from the local financial support~~

625 ~~requirement available to any applicant whose project is located~~
626 ~~in a county designated by the Rural Economic Development~~
627 ~~Initiative, if the county commissioners of the county in which~~
628 ~~the project will be located adopt a resolution requesting that~~
629 ~~the applicant's project be exempt from the local financial~~
630 ~~support requirement. Any applicant that exercises this option is~~
631 ~~not eligible for more than 80 percent of the total tax refunds~~
632 ~~allowed such applicant under this section.~~

633 (k)~~(l)~~ "New Department of Defense contract" means a
634 Department of Defense contract entered into after the date
635 application for certification as a qualified applicant is made
636 and after January 1, 1994.

637 (l)~~(m)~~ "New space flight business contract" means a space
638 flight business contract entered into after an application for
639 certification as a qualified applicant is made after July 1,
640 2008.

641 (m)~~(n)~~ "Nondefense production jobs" means employment
642 exclusively for activities that, directly or indirectly, are
643 unrelated to the Department of Defense.

644 (n)~~(o)~~ "Project" means any business undertaking in this
645 state under a new Department of Defense contract, consolidation
646 of a Department of Defense contract, new space flight business
647 contract, consolidation of a space flight business contract, or
648 conversion of defense production jobs over to nondefense
649 production jobs or reuse of defense-related facilities.

650 (o)~~(p)~~ "Qualified applicant" means an applicant that has

651 | been approved by the department to be eligible for tax refunds
 652 | pursuant to this section.

653 | (p)~~(q)~~ "Space flight business" means the manufacturing,
 654 | processing, or assembly of space flight technology products,
 655 | space flight facilities, space flight propulsion systems, or
 656 | space vehicles, satellites, or stations of any kind possessing
 657 | the capability for space flight, as defined by s. 212.02(23), or
 658 | components thereof, and includes, in supporting space flight,
 659 | vehicle launch activities, flight operations, ground control or
 660 | ground support, and all administrative activities directly
 661 | related to such activities. The term does not include products
 662 | that are designed or manufactured for general commercial
 663 | aviation or other uses even if those products may also serve an
 664 | incidental use in space flight applications.

665 | (q)~~(r)~~ "Space flight business contract" means a
 666 | competitively bid federal agency contract, federal agency
 667 | subcontract, an awarded commercial contract, or an awarded
 668 | commercial subcontract for space flight business with a duration
 669 | of 2 or more years.

670 | (r)~~(s)~~ "Taxable year" means the same as in s.
 671 | 220.03(1)(y).

672 | (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

673 | (b) Upon approval by the director, a qualified applicant
 674 | shall be allowed tax refund payments equal to \$3,000 times the
 675 | number of jobs specified in the tax refund agreement under
 676 | subparagraph (4)(a)1. or equal to \$6,000 times the number of

677 | jobs if the project is located in a rural area of opportunity
 678 | ~~county~~ or an enterprise zone. Further, a qualified applicant
 679 | shall be allowed additional tax refund payments equal to \$1,000
 680 | times the number of jobs specified in the tax refund agreement
 681 | under subparagraph (4)(a)1. if such jobs pay an annual average
 682 | wage of at least 150 percent of the average private sector wage
 683 | in the area or equal to \$2,000 times the number of jobs if such
 684 | jobs pay an annual average wage of at least 200 percent of the
 685 | average private sector wage in the area. A qualified applicant
 686 | may not receive refunds of more than 25 percent of the total tax
 687 | refunds provided in the tax refund agreement pursuant to
 688 | subparagraph (4)(a)1. in any fiscal year, provided that no
 689 | qualified applicant may receive more than \$2.5 million in tax
 690 | refunds pursuant to this section in any fiscal year.

691 | (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
 692 | DETERMINATION.—

693 | (b) Applications for certification based on the
 694 | consolidation of a Department of Defense contract or a new
 695 | Department of Defense contract must be submitted to the
 696 | department as prescribed by the department and must include, but
 697 | are not limited to, the following information:

698 | 1. The applicant's federal employer identification number,
 699 | the applicant's Florida sales tax registration number, and a
 700 | signature of an officer of the applicant.

701 | 2. The permanent location of the manufacturing,
 702 | assembling, fabricating, research, development, or design

703 facility in this state at which the project is or is to be
 704 located.

705 3. The Department of Defense contract numbers of the
 706 contract to be consolidated, the new Department of Defense
 707 contract number, or the "RFP" number of a proposed Department of
 708 Defense contract.

709 4. The date the contract was executed or is expected to be
 710 executed, and the date the contract is due to expire or is
 711 expected to expire.

712 5. The commencement date for project operations under the
 713 contract in this state.

714 6. The number of net new full-time equivalent Florida jobs
 715 included in the project as of December 31 of each year and the
 716 average wage of such jobs.

717 7. The total number of full-time equivalent employees
 718 employed by the applicant in this state.

719 8. The percentage of the applicant's gross receipts
 720 derived from Department of Defense contracts during the 5
 721 taxable years immediately preceding the date the application is
 722 submitted.

723 9. The number of full-time equivalent jobs in this state
 724 to be retained by the project.

725 10. A brief statement concerning the applicant's need for
 726 tax refunds, and the proposed uses of such refunds by the
 727 applicant.

728 11. A resolution adopted by the governing board of the

729 county or municipality in which the project will be located,
 730 which recommends the applicant be approved as a qualified
 731 applicant, and which indicates that the necessary commitments of
 732 local financial support for the applicant exist. ~~Prior to the~~
 733 ~~adoption of the resolution, the county commission may review the~~
 734 ~~proposed public or private sources of such support and determine~~
 735 ~~whether the proposed sources of local financial support can be~~
 736 ~~provided or, for any applicant whose project is located in a~~
 737 ~~county designated by the Rural Economic Development Initiative,~~
 738 ~~a resolution adopted by the county commissioners of such county~~
 739 ~~requesting that the applicant's project be exempt from the local~~
 740 ~~financial support requirement.~~

741 12. Any additional information requested by the
 742 department.

743 (c) Applications for certification based on the conversion
 744 of defense production jobs to nondefense production jobs must be
 745 submitted to the department as prescribed by the department and
 746 must include, but are not limited to, the following information:

747 1. The applicant's federal employer identification number,
 748 the applicant's Florida sales tax registration number, and a
 749 signature of an officer of the applicant.

750 2. The permanent location of the manufacturing,
 751 assembling, fabricating, research, development, or design
 752 facility in this state at which the project is or is to be
 753 located.

754 3. The Department of Defense contract numbers of the

755 contract under which the defense production jobs will be
 756 converted to nondefense production jobs.

757 4. The date the contract was executed, and the date the
 758 contract is due to expire or is expected to expire, or was
 759 canceled.

760 5. The commencement date for the nondefense production
 761 operations in this state.

762 6. The number of net new full-time equivalent Florida jobs
 763 included in the nondefense production project as of December 31
 764 of each year and the average wage of such jobs.

765 7. The total number of full-time equivalent employees
 766 employed by the applicant in this state.

767 8. The percentage of the applicant's gross receipts
 768 derived from Department of Defense contracts during the 5
 769 taxable years immediately preceding the date the application is
 770 submitted.

771 9. The number of full-time equivalent jobs in this state
 772 to be retained by the project.

773 10. A brief statement concerning the applicant's need for
 774 tax refunds, and the proposed uses of such refunds by the
 775 applicant.

776 11. A resolution adopted by the governing board of the
 777 county or municipality in which the project will be located,
 778 which recommends the applicant be approved as a qualified
 779 applicant, and which indicates that the necessary commitments of
 780 local financial support for the applicant exist. ~~Prior to the~~

781 ~~adoption of the resolution, the county commission may review the~~
 782 ~~proposed public or private sources of such support and determine~~
 783 ~~whether the proposed sources of local financial support can be~~
 784 ~~provided or, for any applicant whose project is located in a~~
 785 ~~county designated by the Rural Economic Development Initiative,~~
 786 ~~a resolution adopted by the county commissioners of such county~~
 787 ~~requesting that the applicant's project be exempt from the local~~
 788 ~~financial support requirement.~~

789 12. Any additional information requested by the
 790 department.

791 (d) Applications for certification based on a contract for
 792 reuse of a defense-related facility must be submitted to the
 793 department as prescribed by the department and must include, but
 794 are not limited to, the following information:

795 1. The applicant's Florida sales tax registration number
 796 and a signature of an officer of the applicant.

797 2. The permanent location of the manufacturing,
 798 assembling, fabricating, research, development, or design
 799 facility in this state at which the project is or is to be
 800 located.

801 3. The business entity holding a valid Department of
 802 Defense contract or branch of the Armed Forces of the United
 803 States that previously occupied the facility, and the date such
 804 entity last occupied the facility.

805 4. A copy of the contract to reuse the facility, or such
 806 alternative proof as may be prescribed by the department that

807 the applicant is seeking to contract for the reuse of such
808 facility.

809 5. The date the contract to reuse the facility was
810 executed or is expected to be executed, and the date the
811 contract is due to expire or is expected to expire.

812 6. The commencement date for project operations under the
813 contract in this state.

814 7. The number of net new full-time equivalent Florida jobs
815 included in the project as of December 31 of each year and the
816 average wage of such jobs.

817 8. The total number of full-time equivalent employees
818 employed by the applicant in this state.

819 9. The number of full-time equivalent jobs in this state
820 to be retained by the project.

821 10. A brief statement concerning the applicant's need for
822 tax refunds, and the proposed uses of such refunds by the
823 applicant.

824 11. A resolution adopted by the governing board of the
825 county or municipality in which the project will be located,
826 which recommends the applicant be approved as a qualified
827 applicant, and which indicates that the necessary commitments of
828 local financial support for the applicant exist. ~~Before the~~
829 ~~adoption of the resolution, the county commission may review the~~
830 ~~proposed public or private sources of such support and determine~~
831 ~~whether the proposed sources of local financial support can be~~
832 ~~provided or, for any applicant whose project is located in a~~

833 ~~county designated by the Rural Economic Development Initiative,~~
 834 ~~a resolution adopted by the county commissioners of such county~~
 835 ~~requesting that the applicant's project be exempt from the local~~
 836 ~~financial support requirement.~~

837 12. Any additional information requested by the
 838 department.

839 (j) Applications for certification based upon a new space
 840 flight business contract or the consolidation of a space flight
 841 business contract must be submitted to the department as
 842 prescribed by the department and must include, but are not
 843 limited to, the following information:

844 1. The applicant's federal employer identification number,
 845 the applicant's Florida sales tax registration number, and a
 846 signature of an officer of the applicant.

847 2. The permanent location of the space flight business
 848 facility in this state where the project is or will be located.

849 3. The new space flight business contract number, the
 850 space flight business contract numbers of the contract to be
 851 consolidated, or the request-for-proposal number of a proposed
 852 space flight business contract.

853 4. The date the contract was executed and the date the
 854 contract is due to expire, is expected to expire, or was
 855 canceled.

856 5. The commencement date for project operations under the
 857 contract in this state.

858 6. The number of net new full-time equivalent Florida jobs

859 included in the project as of December 31 of each year and the
 860 average wage of such jobs.

861 7. The total number of full-time equivalent employees
 862 employed by the applicant in this state.

863 8. The percentage of the applicant's gross receipts
 864 derived from space flight business contracts during the 5
 865 taxable years immediately preceding the date the application is
 866 submitted.

867 9. The number of full-time equivalent jobs in this state
 868 to be retained by the project.

869 10. A brief statement concerning the applicant's need for
 870 tax refunds and the proposed uses of such refunds by the
 871 applicant.

872 11. A resolution adopted by the governing board of the
 873 county or municipality in which the project will be located
 874 which recommends the applicant be approved as a qualified
 875 applicant and indicates that the necessary commitments of local
 876 financial support for the applicant exist. ~~Prior to the adoption~~
 877 ~~of the resolution, the county commission may review the proposed~~
 878 ~~public or private sources of such support and determine whether~~
 879 ~~the proposed sources of local financial support can be provided~~
 880 ~~or, for any applicant whose project is located in a county~~
 881 ~~designated by the Rural Economic Development Initiative, a~~
 882 ~~resolution adopted by the county commissioners of such county~~
 883 ~~requesting that the applicant's project be exempt from the local~~
 884 ~~financial support requirement.~~

885 12. Any additional information requested by the
886 department.

887 (7) EXPIRATION.—An applicant may not be certified as
888 qualified under this section after June 30, 2017 ~~2014~~. A tax
889 refund agreement existing on that date shall continue in effect
890 in accordance with its terms.

891 Section 10. Subsection (2), paragraph (b) of subsection
892 (3), paragraphs (b) and (f) of subsection (4), paragraph (b) of
893 subsection (5), and subsection (8) of section 288.106, Florida
894 Statutes, are amended, to read:

895 288.106 Tax refund program for qualified target industry
896 businesses.—

897 (2) DEFINITIONS.—As used in this section, the term:

898 (a) "Account" means the Economic Development Incentives
899 Account within the Economic Development Trust Fund established
900 under s. 288.095.

901 (b) "Authorized local economic development agency" means a
902 public or private entity, including an entity defined in s.
903 288.075, authorized by a county or municipality to promote the
904 general business or industrial interests of that county or
905 municipality.

906 (c) "Average private sector wage in the area" means ~~the~~
907 ~~statewide private sector average wage or~~ the average of all
908 private sector wages and salaries in the county ~~or in the~~
909 ~~standard metropolitan area~~ in which the project business is
910 located or will be located.

911 (d) "Business" means an employing unit, as defined in s.
 912 443.036, that is registered for reemployment assistance purposes
 913 with the state agency providing reemployment assistance tax
 914 collection services under an interagency agreement pursuant to
 915 s. 443.1316, or a subcategory or division of an employing unit
 916 that is accepted by the state agency providing reemployment
 917 assistance tax collection services as a reporting unit.

918 (e) "Corporate headquarters business" means an
 919 international, national, or regional headquarters office of a
 920 multinational or multistate business enterprise or national
 921 trade association, whether separate from or connected with other
 922 facilities used by such business.

923 (f) "Enterprise zone" means an area designated as an
 924 enterprise zone pursuant to s. 290.0065.

925 (g) "Expansion of an existing business" means the
 926 expansion of an existing Florida business by or through
 927 additions to real and personal property, resulting in a net
 928 increase in employment of not less than 10 percent at such
 929 business.

930 (h) "Fiscal year" means the fiscal year of the state.

931 (i) "Jobs" means full-time equivalent positions,
 932 including, but not limited to, positions obtained from a
 933 temporary employment agency or employee leasing company or
 934 through a union agreement or coemployment under a professional
 935 employer organization agreement, that result directly from a
 936 project in this state. The term does not include temporary

937 construction jobs involved with the construction of facilities
 938 for the project or any jobs previously included in any
 939 application for tax refunds under s. 288.1045 or this section.

940 (j) "Local financial support" means funding from local
 941 sources, public or private, that is paid to the Economic
 942 Development Trust Fund and that is equal to 20 percent of the
 943 annual tax refund for a qualified target industry business.

944 1. A qualified target industry business may not provide,
 945 directly or indirectly, more than 5 percent of such funding in
 946 any fiscal year. The sources of such funding may not include,
 947 directly or indirectly, state funds appropriated from the
 948 General Revenue Fund or any state trust fund, excluding tax
 949 revenues shared with local governments pursuant to law.

950 2. A qualified target industry business may not receive
 951 more than 80 percent of the total tax refunds from state funds
 952 that are allowed such business under this section.

953 3. The department may grant a waiver that reduces the
 954 required amount of local financial support for a project to 10
 955 percent of the annual tax refund awarded to a qualified target
 956 industry business for a local government, or eliminates the
 957 required amount of local financial support for a project for a
 958 local government located in a rural area of opportunity, as
 959 designated by the Governor pursuant to s. 288.0656. To be
 960 eligible to receive a waiver that reduces or eliminates the
 961 required amount of local financial support, a local government
 962 shall provide the department with:

963 a. A resolution adopted by the governing body of the
 964 county or municipality in whose jurisdiction the project will be
 965 located, requesting that the applicant's project be waived from
 966 the local financial support requirement.

967 b. A statement prepared by a Florida certified public
 968 accountant, as defined in s. 473.302, which describes the
 969 financial constraints preventing the local government from
 970 providing the local financial support required by this section.

971 ~~(k) "Local financial support exemption option" means the~~
 972 ~~option to exercise an exemption from the local financial support~~
 973 ~~requirement available to any applicant whose project is located~~
 974 ~~in a brownfield area, a rural city, or a rural community. Any~~
 975 ~~applicant that exercises this option is not eligible for more~~
 976 ~~than 80 percent of the total tax refunds allowed such applicant~~
 977 ~~under this section.~~

978 (k)(l) "New business" means a business that applies for a
 979 tax refund under this section before beginning operations in
 980 this state and that is a legal entity separate from any other
 981 commercial or industrial operations owned by the same business.

982 (l)(m) "Project" means the creation of a new business or
 983 expansion of an existing business.

984 (m)(n) "Qualified target industry business" means a target
 985 industry business approved by the department to be eligible for
 986 tax refunds under this section.

987 ~~(o) "Rural city" means a city having a population of~~
 988 ~~10,000 or fewer, or a city having a population of greater than~~

989 ~~10,000 but fewer than 20,000 that has been determined by the~~
 990 ~~department to have economic characteristics such as, but not~~
 991 ~~limited to, a significant percentage of residents on public~~
 992 ~~assistance, a significant percentage of residents with income~~
 993 ~~below the poverty level, or a significant percentage of the~~
 994 ~~city's employment base in agriculture-related industries.~~

995 ~~(p)~~ "Rural community" means:

- 996 1. ~~A county having a population of 75,000 or fewer.~~
- 997 2. ~~A county having a population of 125,000 or fewer that~~
 998 ~~is contiguous to a county having a population of 75,000 or~~
 999 ~~fewer.~~
- 1000 3. ~~A municipality within a county described in~~
 1001 ~~subparagraph 1. or subparagraph 2.~~

1002
 1003 ~~For purposes of this paragraph, population shall be determined~~
 1004 ~~in accordance with the most recent official estimate pursuant to~~
 1005 ~~s. 186.901.~~

1006 (n) ~~(q)~~ "Target industry business" means a corporate
 1007 headquarters business or any business that is engaged in one of
 1008 the target industries identified pursuant to the following
 1009 criteria developed by the department in consultation with
 1010 Enterprise Florida, Inc.:

- 1011 1. Future growth.—Industry forecasts should indicate
 1012 strong expectation for future growth in both employment and
 1013 output, according to the most recent available data. Special
 1014 consideration should be given to businesses that export goods

1015 to, or provide services in, international markets and businesses
 1016 that replace domestic and international imports of goods or
 1017 services.

1018 2. Stability.—The industry should not be subject to
 1019 periodic layoffs, whether due to seasonality or sensitivity to
 1020 volatile economic variables such as weather. The industry should
 1021 also be relatively resistant to recession, so that the demand
 1022 for products of this industry is not typically subject to
 1023 decline during an economic downturn.

1024 3. High wage.—The industry should pay relatively high
 1025 wages compared to statewide or area averages.

1026 4. Market and resource independent.—The location of
 1027 industry businesses should not be dependent on Florida markets
 1028 or resources as indicated by industry analysis, except for
 1029 businesses in the renewable energy industry.

1030 5. Industrial base diversification and strengthening.—The
 1031 industry should contribute toward expanding or diversifying the
 1032 state's or area's economic base, as indicated by analysis of
 1033 employment and output shares compared to national and regional
 1034 trends. Special consideration should be given to industries that
 1035 strengthen regional economies by adding value to basic products
 1036 or building regional industrial clusters as indicated by
 1037 industry analysis. Special consideration should also be given to
 1038 the development of strong industrial clusters that include
 1039 defense and homeland security businesses.

1040 6. Positive economic impact.—The industry is expected to

1041 have strong positive economic impacts on or benefits to the
 1042 state or regional economies. Special consideration should be
 1043 given to industries that facilitate the development of the state
 1044 as a hub for domestic and global trade and logistics.

1045
 1046 The term does not include any business engaged in retail
 1047 industry activities; any electrical utility company as defined
 1048 in s. 366.02(2); any phosphate or other solid minerals
 1049 severance, mining, or processing operation; any oil or gas
 1050 exploration or production operation; or any business subject to
 1051 regulation by the Division of Hotels and Restaurants of the
 1052 Department of Business and Professional Regulation. Any business
 1053 within NAICS code 5611 or 5614, office administrative services
 1054 and business support services, respectively, may be considered a
 1055 target industry business only after the local governing body and
 1056 Enterprise Florida, Inc., make a determination that the
 1057 community where the business may locate has conditions affecting
 1058 the fiscal and economic viability of the local community or
 1059 area, including but not limited to, factors such as low per
 1060 capita income, high unemployment, high underemployment, and a
 1061 lack of year-round stable employment opportunities, and such
 1062 conditions may be improved by the location of such a business to
 1063 the community. By January 1 of every 3rd year, beginning January
 1064 1, 2011, the department, in consultation with Enterprise
 1065 Florida, Inc., economic development organizations, the State
 1066 University System, local governments, employee and employer

1067 organizations, market analysts, and economists, shall review
 1068 and, as appropriate, revise the list of such target industries
 1069 and submit the list to the Governor, the President of the
 1070 Senate, and the Speaker of the House of Representatives.

1071 (o)~~(r)~~ "Taxable year" means taxable year as defined in s.
 1072 220.03(1)(y).

1073 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

1074 (b)1. Upon approval by the department, a qualified target
 1075 industry business shall be allowed tax refund payments equal to
 1076 \$3,000 multiplied by the number of jobs specified in the tax
 1077 refund agreement under subparagraph (5)(a)1., or equal to \$6,000
 1078 multiplied by the number of jobs if the project is located in a
 1079 rural area of opportunity ~~community~~ or an enterprise zone.

1080 2. A qualified target industry business shall be allowed
 1081 additional tax refund payments equal to \$1,000 multiplied by the
 1082 number of jobs specified in the tax refund agreement under
 1083 subparagraph (5)(a)1. if such jobs pay an annual average wage of
 1084 at least 150 percent of the average private sector wage in the
 1085 area, or equal to \$2,000 multiplied by the number of jobs if
 1086 such jobs pay an annual average wage of at least 200 percent of
 1087 the average private sector wage in the area.

1088 3. A qualified target industry business shall be allowed
 1089 tax refund payments in addition to the other payments authorized
 1090 in this paragraph equal to \$1,000 multiplied by the number of
 1091 jobs specified in the tax refund agreement under subparagraph
 1092 (5)(a)1. if the local financial support is equal to that of the

1093 state's incentive award under subparagraph 1.

1094 4. In addition to the other tax refund payments authorized
 1095 in this paragraph, a qualified target industry business shall be
 1096 allowed a tax refund payment equal to \$2,000 multiplied by the
 1097 number of jobs specified in the tax refund agreement under
 1098 subparagraph (5) (a)1. if the business:

1099 a. Falls within one of the high-impact sectors designated
 1100 under s. 288.108; or

1101 b. Increases exports of its goods through a seaport or
 1102 airport in the state by at least 10 percent in value or tonnage
 1103 in each of the years that the business receives a tax refund
 1104 under this section. For purposes of this sub-subparagraph,
 1105 seaports in the state are limited to the ports of Jacksonville,
 1106 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
 1107 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
 1108 Pensacola, Fernandina, and Key West.

1109 (4) APPLICATION AND APPROVAL PROCESS.—

1110 (b) To qualify for review by the department, the
 1111 application of a target industry business must, at a minimum,
 1112 establish the following to the satisfaction of the department:

1113 1.a. The jobs proposed to be created under the
 1114 application, pursuant to subparagraph (a)4., must pay an
 1115 estimated annual average wage equaling at least 115 percent of
 1116 the average private sector wage in the area where the business
 1117 is to be located ~~or the statewide private sector average wage.~~
 1118 ~~The governing board of the local governmental entity providing~~

1119 ~~the local financial support of the jurisdiction where the~~
1120 ~~qualified target industry business is to be located shall notify~~
1121 ~~the department and Enterprise Florida, Inc., which calculation~~
1122 ~~of the average private sector wage in the area must be used as~~
1123 ~~the basis for the business's wage commitment.~~ In determining the
1124 average annual wage, the department shall include only new
1125 proposed jobs, and wages for existing jobs shall be excluded
1126 from this calculation.

1127 b. The department may waive the average wage requirement
1128 at the request of the local governing body recommending the
1129 project and Enterprise Florida, Inc. The department may waive
1130 the wage requirement for a project located in a brownfield area
1131 designated under s. 376.80, in a rural area of opportunity ~~city,~~
1132 ~~in a rural community,~~ in an enterprise zone, or for a
1133 manufacturing project at any location in the state if the jobs
1134 proposed to be created pay an estimated annual average wage
1135 equaling at least 105 ~~100~~ percent of the average private sector
1136 wage in the area where the business is to be located, only if
1137 the merits of the individual project or the specific
1138 circumstances in the community in relationship to the project
1139 warrant such action. If the local governing body and Enterprise
1140 Florida, Inc., make such a recommendation, it must be
1141 transmitted in writing, and the specific justification for the
1142 waiver recommendation must be explained. If the department
1143 elects to waive the wage requirement, the waiver must be stated
1144 in writing, and the reasons for granting the waiver must be

1145 explained.

1146 2. The target industry business's project must result in
 1147 the creation of at least 10 jobs at the project and, in the case
 1148 of an expansion of an existing business, must result in a net
 1149 increase in employment of at least 10 percent at the business.
 1150 At the request of the local governing body recommending the
 1151 project and Enterprise Florida, Inc., the department may waive
 1152 this requirement for a business located in a rural area of
 1153 opportunity designated by the Governor pursuant to s. 288.0656,
 1154 ~~community~~ or an enterprise zone if the merits of the individual
 1155 project or the specific circumstances in the community in
 1156 relationship to the project warrant such action. If the local
 1157 governing body and Enterprise Florida, Inc., make such a
 1158 request, the request must be transmitted in writing, and the
 1159 specific justification for the request must be explained. If the
 1160 department elects to grant the request, the grant must be stated
 1161 in writing, and the reason for granting the request must be
 1162 explained.

1163 3. The business activity or product for the applicant's
 1164 project must be within an industry identified by the department
 1165 as a target industry business that contributes to the economic
 1166 growth of the state and the area in which the business is
 1167 located, that produces a higher standard of living for residents
 1168 of this state in the new global economy, or that can be shown to
 1169 make an equivalent contribution to the area's and state's
 1170 economic progress.

1171 ~~(f) Notwithstanding paragraph (2)(j), the department may~~
 1172 ~~reduce the local financial support requirements of this section~~
 1173 ~~by one-half for a qualified target industry business located in~~
 1174 ~~Bay County, Escambia County, Franklin County, Gadsden County,~~
 1175 ~~Gulf County, Jefferson County, Leon County, Okaloosa County,~~
 1176 ~~Santa Rosa County, Wakulla County, or Walton County, if the~~
 1177 ~~department determines that such reduction of the local financial~~
 1178 ~~support requirements is in the best interest of the state and~~
 1179 ~~facilitates economic development, growth, or new employment~~
 1180 ~~opportunities in such county. This paragraph expires June 30,~~
 1181 ~~2014.~~

1182 (5) TAX REFUND AGREEMENT.—

1183 (b) Compliance with the terms and conditions of the
 1184 agreement is a condition precedent for the receipt of a tax
 1185 refund each year. The failure to comply with the terms and
 1186 conditions of the tax refund agreement results in the loss of
 1187 eligibility for receipt of all tax refunds previously authorized
 1188 under this section and the revocation by the department of the
 1189 certification of the business entity as a qualified target
 1190 industry business, unless the business is eligible to receive
 1191 and elects to accept a prorated refund under paragraph (6)(e) ~~or~~
 1192 ~~the department grants the business an economic recovery~~
 1193 ~~extension.~~

1194 ~~1. A qualified target industry business may submit a~~
 1195 ~~request to the department for an economic recovery extension.~~
 1196 ~~The request must provide quantitative evidence demonstrating how~~

1197 ~~negative economic conditions in the business's industry, the~~
 1198 ~~effects of a named hurricane or tropical storm, or specific acts~~
 1199 ~~of terrorism affecting the qualified target industry business~~
 1200 ~~have prevented the business from complying with the terms and~~
 1201 ~~conditions of its tax refund agreement.~~

1202 ~~2. Upon receipt of a request under subparagraph 1., the~~
 1203 ~~department has 45 days to notify the requesting business, in~~
 1204 ~~writing, whether its extension has been granted or denied. In~~
 1205 ~~determining whether an extension should be granted, the~~
 1206 ~~department shall consider the extent to which negative economic~~
 1207 ~~conditions in the requesting business's industry have occurred~~
 1208 ~~in the state or the effects of a named hurricane or tropical~~
 1209 ~~storm or specific acts of terrorism affecting the qualified~~
 1210 ~~target industry business have prevented the business from~~
 1211 ~~complying with the terms and conditions of its tax refund~~
 1212 ~~agreement. The department shall consider current employment~~
 1213 ~~statistics for this state by industry, including whether the~~
 1214 ~~business's industry had substantial job loss during the prior~~
 1215 ~~year, when determining whether an extension shall be granted.~~

1216 ~~3. As a condition for receiving a prorated refund under~~
 1217 ~~paragraph (6) (c) or an economic recovery extension under this~~
 1218 ~~paragraph, a qualified target industry business must agree to~~
 1219 ~~renegotiate its tax refund agreement with the department to, at~~
 1220 ~~a minimum, ensure that the terms of the agreement comply with~~
 1221 ~~current law and the department's procedures governing~~
 1222 ~~application for and award of tax refunds. Upon approving the~~

1223 ~~award of a prorated refund or granting an economic recovery~~
 1224 ~~extension, the department shall renegotiate the tax refund~~
 1225 ~~agreement with the business as required by this subparagraph.~~
 1226 ~~When amending the agreement of a business receiving an economic~~
 1227 ~~recovery extension, the department may extend the duration of~~
 1228 ~~the agreement for a period not to exceed 2 years.~~

1229 ~~4. A qualified target industry business may submit a~~
 1230 ~~request for an economic recovery extension to the department in~~
 1231 ~~lieu of any tax refund claim scheduled to be submitted after~~
 1232 ~~January 1, 2009, but before July 1, 2012.~~

1233 ~~5. A qualified target industry business that receives an~~
 1234 ~~economic recovery extension may not receive a tax refund for the~~
 1235 ~~period covered by the extension.~~

1236 ~~(8) SPECIAL INCENTIVES. If the department determines it is~~
 1237 ~~in the best interest of the public for reasons of facilitating~~
 1238 ~~economic development, growth, or new employment opportunities~~
 1239 ~~within a Disproportionally Affected County, the department may,~~
 1240 ~~between July 1, 2011, and June 30, 2014, waive any or all wage~~
 1241 ~~or local financial support eligibility requirements and allow a~~
 1242 ~~qualified target industry business from another state which~~
 1243 ~~relocates all or a portion of its business to a~~
 1244 ~~Disproportionally Affected County to receive a tax refund~~
 1245 ~~payment of up to \$6,000 multiplied by the number of jobs~~
 1246 ~~specified in the tax refund agreement under subparagraph~~
 1247 ~~(5)(a)1. over the term of the agreement. Prior to granting such~~
 1248 ~~waiver, the executive director of the department shall file with~~

1249 ~~the Governor a written statement of the conditions and~~
 1250 ~~circumstances constituting the reason for the waiver. Such~~
 1251 ~~business shall be eligible for the additional tax refund~~
 1252 ~~payments specified in subparagraph (3)(b)4. if it meets the~~
 1253 ~~criteria. As used in this section, the term "Disproportionally~~
 1254 ~~Affected County" means Bay County, Escambia County, Franklin~~
 1255 ~~County, Gulf County, Okaloosa County, Santa Rosa County, Walton~~
 1256 ~~County, or Wakulla County.~~

1257 Section 11. Paragraph (b) of subsection (2) of section
 1258 288.108, Florida Statutes, is amended, paragraph (h) is added to
 1259 that subsection, and subsection (5) of that section is amended,
 1260 to read:

1261 288.108 High-impact business.—

1262 (2) DEFINITIONS.—As used in this section, the term:

1263 (b) "Cumulative investment" means the total investment in
 1264 buildings and equipment made by a qualified high-impact business
 1265 since the beginning of construction of such facility. The term
 1266 does not include funds granted to or spent on behalf of the
 1267 business by the state, a local government, or other governmental
 1268 entity; funds appropriated in the General Appropriations Act; or
 1269 funds otherwise provided to the business by a state agency or
 1270 local government.

1271 (h) "Local financial support" means financial, in-kind, or
 1272 other quantifiable contributions from local sources that,
 1273 combined, equal 20 percent or more of the total investment in
 1274 the project by state and local sources.

1275 1. The department may grant a waiver that reduces the
 1276 required amount of local financial support for a project to 10
 1277 percent of the award granted to a business pursuant to this
 1278 section for a local government, or eliminates the local
 1279 financial support for a local government located in a rural area
 1280 of opportunity, as designated by the Governor pursuant to s.
 1281 288.0656.

1282 2. A local government that requests a waiver that reduces
 1283 or eliminates the local financial support requirement shall
 1284 provide the department a statement prepared by a Florida
 1285 certified public accountant as defined in s. 473.302, which
 1286 describes the financial constraints preventing the local
 1287 government from providing the local financial support required
 1288 by this section.

1289 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT CONTRACT
 1290 AGREEMENT.—

1291 (a) The department shall review and certify, pursuant to
 1292 s. 288.061, an application pursuant to s. 288.061 which is
 1293 received from any eligible business, as defined in subsection
 1294 (2), for consideration as a qualified high-impact business
 1295 before the business has made a decision to locate or expand a
 1296 facility in this state. The business must provide the following
 1297 information:

1298 1. A complete description of the type of facility,
 1299 business operations, and product or service associated with the
 1300 project.

1301 2. The number of full-time equivalent jobs that will be
 1302 created by the project and the average annual wage of those
 1303 jobs.

1304 3. The cumulative amount of investment to be dedicated to
 1305 this project within 3 years.

1306 4. A statement concerning any special impacts the facility
 1307 is expected to stimulate in the sector, the state, or regional
 1308 economy and in state universities and community colleges.

1309 5. A statement concerning the role the grant will play in
 1310 the decision of the applicant business to locate or expand in
 1311 this state.

1312 6. Any additional information requested by the department.

1313 (b) Within 7 business days after evaluating an
 1314 application, the department shall recommend to the Governor
 1315 approval or disapproval of an eligible high-impact business for
 1316 receipt of funds. Recommendations to the Governor shall include
 1317 a memorandum of understanding between the department and the
 1318 applicant, which shall be incorporated into the final contract,
 1319 setting forth the conditions for payment of the qualified high-
 1320 impact business performance grant. The memorandum of
 1321 understanding must include the total amount of the qualified
 1322 high-impact business facility performance grant award; the
 1323 performance conditions that must be met to obtain the award,
 1324 including, but not limited to, net new employment in the state,
 1325 average salary, and total capital investment incurred by the
 1326 business; a baseline of current service and a measure of

1327 enhanced capability; the methodology for validating performance;
 1328 the schedule of performance grant payments; and sanctions for
 1329 failure to meet performance conditions ~~Applications shall be~~
 1330 ~~reviewed and certified pursuant to s. 288.061.~~

1331 (c) The Governor may approve a high-impact business
 1332 performance grant of less than \$2 million without consulting the
 1333 Legislature. For such grants, the Governor shall provide a
 1334 written description and evaluation of the approved project and a
 1335 memorandum of understanding meeting the requirements of
 1336 paragraph (b) to the chair and vice chair of the Legislative
 1337 Budget Commission, the President of the Senate, and the Speaker
 1338 of the House of Representatives, within 1 business day after
 1339 approval ~~The department and the qualified high-impact business~~
 1340 ~~shall enter into a performance grant agreement setting forth the~~
 1341 ~~conditions for payment of the qualified high-impact business~~
 1342 ~~performance grant. The agreement shall include the total amount~~
 1343 ~~of the qualified high-impact business facility performance grant~~
 1344 ~~award, the performance conditions that must be met to obtain the~~
 1345 ~~award, including the employment, average salary, investment, the~~
 1346 ~~methodology for determining if the conditions have been met, and~~
 1347 ~~the schedule of performance grant payments.~~

1348 (d) The Governor shall provide a written description and
 1349 evaluation of each eligible high-impact business recommended for
 1350 approval for a high-impact business performance grant that
 1351 equals or exceeds \$2 million to the chair and vice chair of the
 1352 Legislative Budget Commission, the President of the Senate, and

1353 the Speaker of the House of Representatives at least 14 days
1354 before approving a qualified high-impact business performance
1355 grant. The recommendation shall include a memorandum of
1356 understanding that meets the requirements provided in paragraph
1357 (b). If the chair or vice chair of the Legislative Budget
1358 Commission, the President of the Senate, or the Speaker of the
1359 House of Representatives timely advises the Executive Office of
1360 the Governor in writing that the award of funds exceeds the
1361 delegated authority of the Executive Office of the Governor or
1362 is contrary to legislative policy or intent, the Executive
1363 Office of the Governor shall void the release of funds and
1364 instruct the department to immediately change action or proposed
1365 action.

1366 (e) An amendment, modification, or extension of an
1367 executed contract that results in a 0.5-point or greater
1368 reduction in the economic benefit ratio of the project must be
1369 approved as provided in paragraph (d). An amendment,
1370 modification, or extension may not be made to an executed
1371 contract if such action would result in an economic benefit
1372 ratio less than 2 to 1.

1373 (f) The department shall validate contractor performance
1374 and report such validation in the annual incentives report
1375 required by s. 288.907.

1376 Section 12. Paragraph (e) of subsection (3) of section
1377 288.1088, Florida Statutes, is redesignated as paragraph (f),
1378 paragraphs (b), (d), and (e) of subsection (2) and paragraphs

1379 (a), (c), and (d) of subsection (3) are amended, and a new
 1380 paragraph (e) is added to subsection (3) of that section, to
 1381 read:

1382 288.1088 Quick Action Closing Fund.—

1383 (2) There is created within the department the Quick
 1384 Action Closing Fund. Projects eligible for receipt of funds from
 1385 the Quick Action Closing Fund shall:

1386 (b) Have a positive economic benefit ratio of at least 4 ~~5~~
 1387 to 1.

1388 (d) Pay an average annual wage of at least 125 percent of
 1389 the average private sector wage in the area, as defined in
 1390 section 288.106 ~~areawide or statewide private sector average~~
 1391 ~~wage.~~

1392 (e) Be supported by the local community in which the
 1393 project is to be located.

1394 1. Financial support by the local community shall include
 1395 financial, in-kind, or other quantifiable contributions from
 1396 local sources that, combined, equal 20 percent or more of the
 1397 total investment in the project by state and local sources.

1398 2. The department may grant a waiver that reduces the
 1399 required amount of local financial support for a project to 10
 1400 percent of the award granted to a business pursuant to this
 1401 section for a local government, or eliminates the required
 1402 amount of local financial support for a project for a local
 1403 government located in a rural area of opportunity, as designated
 1404 by the Governor pursuant to s. 288.0656.

1405 3. A local government that requests a waiver that reduces
 1406 or eliminates the local financial support requirement shall
 1407 provide the department a statement prepared by a Florida
 1408 certified public accountant as defined in s. 473.302, which
 1409 describes the financial constraints preventing the local
 1410 government from providing the local financial support required
 1411 by this section.

1412 (f) Create at least 10 new jobs if the project is a new
 1413 business, or increase the number of jobs by at least 10 percent
 1414 if the project is an expanding business.

1415 (3) (a) The department and Enterprise Florida, Inc., shall
 1416 jointly review applications pursuant to s. 288.061 and determine
 1417 the eligibility of each project consistent with the criteria in
 1418 subsection (2). No more than two waivers ~~waiver~~ of these
 1419 criteria may be considered under the following criteria:

- 1420 1. Based on extraordinary circumstances;
- 1421 2. In order to mitigate the impact of the conclusion of
- 1422 the space shuttle program; or
- 1423 3. In rural areas of opportunity if the project would
- 1424 significantly benefit the local or regional economy.

1425
 1426 A waiver may not be granted by the department if the positive
 1427 economic benefit ratio of the project is below 2 to 1, the
 1428 project is not within a target industry under s. 288.106, the
 1429 award of funds is not an inducement to the project's location or
 1430 expansion in the state, or the average annual wage of jobs

1431 directly created by the project is below 105 percent of the
 1432 average private sector wage in the area, as defined in section
 1433 288.106.

1434 (c)1. Within 7 business days after evaluating a project,
 1435 the department shall recommend to the Governor approval or
 1436 disapproval of a project for receipt of funds from the Quick
 1437 Action Closing Fund. In recommending a project, the department
 1438 shall include a memorandum of understanding between the
 1439 department and the applicant, which shall be incorporated into
 1440 the final contract, setting forth the conditions for payment of
 1441 moneys from the fund. The memorandum of understanding must
 1442 include the total amount of recommended funds to be awarded; the
 1443 performance conditions that must be met to obtain the award,
 1444 including, but not limited to, net new employment in the state,
 1445 average salary, and total capital investment incurred by the
 1446 business; a baseline of current service and a measure of
 1447 enhanced capability; the methodology for validating performance;
 1448 the schedule of payments from the fund; and sanctions for
 1449 failure to meet performance conditions, including any clawback
 1450 provisions ~~proposed performance conditions that the project must~~
 1451 ~~meet to obtain incentive funds.~~

1452 2. The Governor may approve a Quick Action Closing Fund
 1453 project award requiring less than \$2 million in funding ~~projects~~
 1454 ~~without consulting the Legislature for projects requiring less~~
 1455 ~~than \$2 million in funding.~~ For such projects, the Governor
 1456 shall provide a written description and evaluation of the

1457 approved project and a memorandum of understanding meeting the
 1458 requirements of the subparagraph 1. to the chair and vice chair
 1459 of the Legislative Budget Commission, the President of the
 1460 Senate, and the Speaker of the House of Representatives within 1
 1461 business day after approval.

1462 3. ~~For projects requiring funding in the amount of \$2~~
 1463 ~~million to \$5 million,~~ The Governor shall provide a written
 1464 description and evaluation of each Quick Action Closing Fund a
 1465 project award recommended for approval that requires funding of
 1466 \$2 million or more to the chair and vice chair of the
 1467 Legislative Budget Commission, the President of the Senate, and
 1468 the Speaker of the House of Representatives at least 14 ~~10~~ days
 1469 before ~~prior to~~ giving final approval for a project. The
 1470 recommendation must include a memorandum of understanding
 1471 meeting the requirements of subparagraph 1 ~~proposed performance~~
 1472 ~~conditions that the project must meet in order to obtain funds.~~

1473 4. If the chair or vice chair of the Legislative Budget
 1474 Commission, ~~or~~ the President of the Senate, or the Speaker of
 1475 the House of Representatives timely advises the Executive Office
 1476 of the Governor, in writing, that such action or proposed action
 1477 exceeds the delegated authority of the Executive Office of the
 1478 Governor or is contrary to legislative policy or intent, the
 1479 Executive Office of the Governor shall void the release of funds
 1480 and instruct the department to immediately change such action or
 1481 proposed action ~~until the Legislative Budget Commission or the~~
 1482 ~~Legislature addresses the issue. Notwithstanding such~~

1483 ~~requirement, any project exceeding \$5 million must be approved~~
 1484 ~~by the Legislative Budget Commission prior to the funds being~~
 1485 ~~released.~~

1486 (d) Upon the approval of the Governor in accordance with
 1487 subparagraph (c)2., or upon expiration of the 14-day legislative
 1488 consultation period provided in subparagraph (c)3., the
 1489 department and the business shall enter into a contract that
 1490 sets forth the conditions for payment of moneys from the fund.
 1491 The contract must include the total amount of funds awarded; the
 1492 performance conditions that must be met to obtain the award,
 1493 including, but not limited to, net new employment in the state,
 1494 average salary, and total capital investment; demonstrate a
 1495 baseline of current service and a measure of enhanced
 1496 capability; the methodology for validating performance; the
 1497 schedule of payments from the fund; and sanctions for failure to
 1498 meet performance conditions. The contract must provide that
 1499 payment of moneys from the fund is contingent upon sufficient
 1500 appropriation of funds by the Legislature.

1501 (e) An amendment, modification, or extension of an
 1502 existing contract that results in a 0.5-point or greater
 1503 reduction in the economic benefit ratio of the project may not
 1504 take effect until it is approved through the approval process in
 1505 subparagraph (c)3. An amendment, modification, or extension may
 1506 not be made to an executed contract if such action would result
 1507 in an economic benefit ratio below 2 to 1.

1508 Section 13. Paragraphs (b) and (p) of subsection (2),

1509 subsection (4), paragraphs (l) and (m) of subsection (5), and
 1510 subsections (7) and (8) of section 288.1089, Florida Statutes,
 1511 are amended to read:

1512 288.1089 Innovation Incentive Program.—

1513 (2) As used in this section, the term:

1514 (b) "Average private sector wage in the area" means the
 1515 average of all private sector wages and salaries in the county
 1516 in which the project is located ~~the statewide average wage in~~
 1517 ~~the private sector or the average of all private sector wages in~~
 1518 ~~the county or in the standard metropolitan area in which the~~
 1519 ~~project is located as determined by the department.~~

1520 ~~(p) "Rural area" means a rural city or rural community as~~
 1521 ~~defined in s. 288.106.~~

1522 (4) To qualify for review by the department, the applicant
 1523 must, at a minimum, establish the following to the satisfaction
 1524 of the department:

1525 (a) The jobs created by the project must pay an estimated
 1526 annual average wage equaling at least 130 percent of the average
 1527 private sector wage in the area. The department may waive this
 1528 average wage requirement at the request of Enterprise Florida,
 1529 Inc., for a project located in a rural area of opportunity, a
 1530 brownfield area, or an enterprise zone, when the merits of the
 1531 individual project or the specific circumstances in the
 1532 community in relationship to the project warrant such action. A
 1533 recommendation for waiver by Enterprise Florida, Inc., must
 1534 include a specific justification for the waiver and be

1535 transmitted to the department in writing. If the department
 1536 elects to waive the wage requirement, the waiver must be stated
 1537 in writing and the reasons for granting the waiver must be
 1538 explained. The department may not waive the wage requirement for
 1539 any project that does not pay an estimated annual average wage
 1540 equaling at least 105 percent of the average private sector wage
 1541 in the area.

1542 (b) A research and development project must:

1543 1. Serve as a catalyst for an emerging or evolving
 1544 technology cluster.

1545 2. Demonstrate a plan for significant higher education
 1546 collaboration.

1547 3. Provide the state, at a minimum, a cumulative break-
 1548 even economic benefit within a 20-year period.

1549 4. Be provided with a one-to-one match from the local
 1550 community. The match requirement may be reduced or waived in
 1551 rural areas of opportunity ~~or reduced in rural areas~~, brownfield
 1552 areas, and enterprise zones. A local government that requests a
 1553 waiver that reduces or eliminates the one-to-one match shall
 1554 provide the department with a statement prepared by a Florida
 1555 certified public accountant, as defined in s. 473.302, which
 1556 describes the financial constraints preventing the local
 1557 government from meeting the local financial support requirement
 1558 of this section.

1559 (c) An innovation business project in this state, other
 1560 than a research and development project, must:

1561 1.a. Result in the creation of at least 1,000 direct, new
 1562 jobs at the business; or
 1563 b. Result in the creation of at least 500 direct, new jobs
 1564 if the project is located in a rural area of opportunity, a
 1565 brownfield area, or an enterprise zone.
 1566 2. Have an activity or product that is within an industry
 1567 that is designated as a target industry business under s.
 1568 288.106 or a designated sector under s. 288.108.
 1569 3.a. Have a cumulative investment of at least \$500 million
 1570 within a 5-year period; or
 1571 b. Have a cumulative investment that exceeds \$250 million
 1572 within a 10-year period if the project is located in a rural
 1573 area of opportunity, brownfield area, or an enterprise zone.
 1574 4. Be provided with a one-to-one match from the local
 1575 community. The match requirement may be reduced or waived in
 1576 rural areas of opportunity or reduced in ~~rural areas~~, brownfield
 1577 areas, and enterprise zones. A local government that requests a
 1578 waiver that reduces or eliminates the one-to-one match shall
 1579 provide the department with a statement prepared by a Florida
 1580 certified public accountant, as defined in s. 473.302, which
 1581 describes the financial constraints preventing the local
 1582 government from meeting the local financial support requirement
 1583 of this section.
 1584 (d) For an alternative and renewable energy project in
 1585 this state, the project must:
 1586 1. Demonstrate a plan for significant collaboration with

1587 an institution of higher education.~~†~~

1588 2. Provide the state, at a minimum, a cumulative break-
 1589 even economic benefit within a 20-year period.~~†~~

1590 3. Include matching funds provided by the applicant or
 1591 other available sources. The match requirement may be reduced or
 1592 eliminated ~~waived~~ in rural areas of opportunity ~~or reduced in~~
 1593 ~~rural areas~~, brownfield areas, and enterprise zones. A local
 1594 government that requests a waiver that reduces or eliminates the
 1595 one-to-one match shall provide the department with a statement
 1596 prepared by a Florida certified public accountant, as defined in
 1597 s. 473.302, which describes the financial constraints preventing
 1598 the local government from meeting the one-to-one match
 1599 requirement of this section.~~†~~

1600 4. Be located in this state.~~†~~ ~~and~~

1601 5. Provide at least 35 direct, new jobs that pay an
 1602 estimated annual average wage that equals at least 130 percent
 1603 of the average private sector wage in the area.

1604 (5) The department shall review proposals pursuant to s.
 1605 288.061 for all three categories of innovation incentive awards.
 1606 Before making a recommendation to the executive director, the
 1607 department shall solicit comments and recommendations from the
 1608 Department of Agriculture and Consumer Services. For each
 1609 project, the evaluation and recommendation to the department
 1610 must include, but need not be limited to:

1611 (1) Additional evaluative criteria for a research and
 1612 development facility project, including:

1613 1. A description of the extent to which the project has
 1614 the potential to serve as catalyst for an emerging or evolving
 1615 cluster.

1616 2. A description of the extent to which the project has or
 1617 could have a long-term collaborative research and development
 1618 relationship with one or more universities or community colleges
 1619 in this state.

1620 3. A description of the existing or projected impact of
 1621 the project on established clusters or targeted industry
 1622 sectors.

1623 4. A description of the project's contribution to the
 1624 diversity and resiliency of the innovation economy of this
 1625 state.

1626 5. A description of the project's impact on special needs
 1627 communities, including, but not limited to, rural areas of
 1628 opportunity, distressed urban areas, and enterprise zones.

1629 (m) Additional evaluative criteria for alternative and
 1630 renewable energy proposals, including:

1631 1. The availability of matching funds or other in-kind
 1632 contributions applied to the total project from an applicant.
 1633 The Department of Agriculture and Consumer Services shall give
 1634 greater preference to projects that provide such matching funds
 1635 or other in-kind contributions.

1636 2. The degree to which the project stimulates in-state
 1637 capital investment and economic development in metropolitan and
 1638 rural areas of opportunity, including the creation of jobs and

1639 the future development of a commercial market for renewable
 1640 energy technologies.

1641 3. The extent to which the proposed project has been
 1642 demonstrated to be technically feasible based on pilot project
 1643 demonstrations, laboratory testing, scientific modeling, or
 1644 engineering or chemical theory that supports the proposal.

1645 4. The degree to which the project incorporates an
 1646 innovative new technology or an innovative application of an
 1647 existing technology.

1648 5. The degree to which a project generates thermal,
 1649 mechanical, or electrical energy by means of a renewable energy
 1650 resource that has substantial long-term production potential.

1651 6. The degree to which a project demonstrates efficient
 1652 use of energy and material resources.

1653 7. The degree to which the project fosters overall
 1654 understanding and appreciation of renewable energy technologies.

1655 8. The ability to administer a complete project.

1656 9. Project duration and timeline for expenditures.

1657 10. The geographic area in which the project is to be
 1658 conducted in relation to other projects.

1659 11. The degree of public visibility and interaction.

1660 (7) (a) Within 7 days after evaluating an innovation
 1661 incentive award proposal, the department shall recommend to the
 1662 Governor approval or disapproval of an award. In recommending an
 1663 award, the department shall include a memorandum of
 1664 understanding between the department and the applicant, which

1665 shall be incorporated into the final contract, setting forth the
 1666 conditions for payment of the incentive funds. The memorandum of
 1667 understanding shall include the total amount of funds awarded;
 1668 the performance conditions that must be met to obtain the award,
 1669 including, but not limited to, net new employment in the state,
 1670 average salary, and total capital investment incurred by the
 1671 business; a baseline of current service and a measure of
 1672 enhanced capability; the methodology for validating performance;
 1673 the schedule of payments; and sanctions for failure to meet
 1674 performance conditions, including any clawback provisions ~~Upon~~
 1675 ~~receipt of the evaluation and recommendation from the~~
 1676 ~~department, the Governor shall approve or deny an award. In~~
 1677 ~~recommending approval of an award, the department shall include~~
 1678 ~~proposed performance conditions that the applicant must meet in~~
 1679 ~~order to obtain incentive funds and any other conditions that~~
 1680 ~~must be met before the receipt of any incentive funds. The~~
 1681 ~~Governor shall consult with the President of the Senate and the~~
 1682 ~~Speaker of the House of Representatives before giving approval~~
 1683 ~~for an award. Upon review and approval of an award by the~~
 1684 ~~Legislative Budget Commission, the Executive Office of the~~
 1685 ~~Governor shall release the funds.~~

1686 (b) The Governor may approve an innovation incentive award
 1687 of less than \$2 million without consulting the Legislature. For
 1688 such awards, the Governor shall provide a written description
 1689 and evaluation of the approved project and a copy of the
 1690 memorandum of understanding between the department and business

1691 meeting the requirements of paragraph (a) to the chair and vice
 1692 chair of the Legislative Budget Commission, the President of the
 1693 Senate, and the Speaker of the House of Representatives within 1
 1694 business day after approval.

1695 (c) The Governor shall provide a written description and
 1696 evaluation of each innovation incentive award proposal
 1697 recommended for approval for an innovation incentive award that
 1698 equals or exceeds \$2 million to the chair and vice chair of the
 1699 Legislative Budget Commission, the President of the Senate, and
 1700 the Speaker of the House of Representatives at least 14 days
 1701 before giving final approval for an award. The recommendation
 1702 must include a copy of the memorandum of understanding between
 1703 the department and business meeting the requirements of
 1704 paragraph (a). If the chair or vice chair of the Legislative
 1705 Budget Commission, the President of the Senate, or the Speaker
 1706 of the House of Representatives timely advises the Executive
 1707 Office of the Governor in writing that the award of incentive
 1708 funds exceeds the delegated authority of the Executive Office of
 1709 the Governor or is contrary to legislative policy or intent, the
 1710 Executive Office of the Governor shall void the release of funds
 1711 and instruct the department to immediately change action or
 1712 proposed action.

1713 (d) An amendment, modification, or extension of an
 1714 executed contract that results in a 0.5-point or greater
 1715 reduction in the economic benefit ratio of the project may not
 1716 take effect until it is approved through the approval process in

1717 paragraph (c). An amendment, modification, or extension may not
1718 be made to an executed contract if such action would result in
1719 an economic benefit ratio below 1 to 1.

1720 (8)(a) In addition to the requirements provided in
1721 paragraph (7) (a), a contract between the department and an award
1722 recipient ~~After the conditions set forth in subsection (7) have~~
1723 ~~been met, the department shall issue a letter certifying the~~
1724 ~~applicant as qualified for an award. The department and the~~
1725 ~~award recipient shall enter into an agreement that sets forth~~
1726 ~~the conditions for payment of the incentive funds. The agreement~~
1727 ~~must include, at a minimum:~~

1728 1. ~~The total amount of funds awarded.~~

1729 2. ~~The performance conditions that must be met in order to~~
1730 ~~obtain the award or portions of the award, including, but not~~
1731 ~~limited to, net new employment in the state, average wage, and~~
1732 ~~total cumulative investment.~~

1733 3. ~~Demonstration of a baseline of current service and a~~
1734 ~~measure of enhanced capability.~~

1735 4. ~~The methodology for validating performance.~~

1736 5. ~~The schedule of payments.~~

1737 6. ~~Sanctions for failure to meet performance conditions,~~
1738 ~~including any clawback provisions.~~

1739 ~~(b) Additionally, agreements signed on or after July 1,~~
1740 ~~2009,~~ must include the following provisions:

1741 1. Notwithstanding subsection (4), a requirement that the
1742 jobs created by the recipient of the incentive funds pay an

1743 annual average wage at least equal to the relevant industry's
 1744 annual average wage or at least 130 percent of the average
 1745 private sector wage in the area, whichever is greater.

1746 2. A reinvestment requirement. Each recipient of an award
 1747 shall reinvest up to 15 percent of net royalty revenues,
 1748 including revenues from spin-off companies and the revenues from
 1749 the sale of stock it receives from the licensing or transfer of
 1750 inventions, methods, processes, and other patentable discoveries
 1751 conceived or reduced to practice using its facilities in Florida
 1752 or its Florida-based employees, in whole or in part, and to
 1753 which the recipient of the grant becomes entitled during the 20
 1754 years following the effective date of its agreement with the
 1755 department. Each recipient of an award also shall reinvest up to
 1756 15 percent of the gross revenues it receives from naming
 1757 opportunities associated with any facility it builds in this
 1758 state. Reinvestment payments shall commence no later than 6
 1759 months after the recipient of the grant has received the final
 1760 disbursement under the contract and shall continue until the
 1761 maximum reinvestment, as specified in the contract, has been
 1762 paid. Reinvestment payments shall be remitted to the department
 1763 for deposit in the Biomedical Research Trust Fund for companies
 1764 specializing in biomedicine or life sciences, or in the Economic
 1765 Development Trust Fund for companies specializing in fields
 1766 other than biomedicine or the life sciences. If these trust
 1767 funds no longer exist at the time of the reinvestment, the
 1768 state's share of reinvestment shall be deposited in their

1769 successor trust funds as determined by law. Each recipient of an
 1770 award shall annually submit a schedule of the shares of stock
 1771 held by it as payment of the royalty required by this paragraph
 1772 and report on any trades or activity concerning such stock. Each
 1773 recipient's reinvestment obligations survive the expiration or
 1774 termination of its agreement with the state.

1775 3. Requirements for the establishment of internship
 1776 programs or other learning opportunities for educators and
 1777 secondary, postsecondary, graduate, and doctoral students.

1778 4. A requirement that the recipient submit quarterly
 1779 reports and annual reports related to activities and performance
 1780 to the department, according to standardized reporting periods.

1781 5. A requirement for an annual accounting to the
 1782 department of the expenditure of funds disbursed under this
 1783 section.

1784 6. A process for amending the agreement.

1785 Section 14. Sections 288.1168 and 288.1169, Florida
 1786 Statutes, are repealed.

1787 Section 15. Subsection (2) and paragraph (b) of subsection
 1788 (5) of section 288.901, Florida Statutes, are amended to read:

1789 288.901 Enterprise Florida, Inc.—

1790 (2) PURPOSES.—Enterprise Florida, Inc., shall act as the
 1791 economic development organization for the state, using ~~utilizing~~
 1792 private sector and public sector expertise in collaboration with
 1793 the department to:

1794 (a) Increase private investment in Florida. ~~†~~

1795 (b) Advance international and domestic trade
 1796 opportunities.~~†~~
 1797 (c) Market the state both as a probusiness location for
 1798 new investment and as an unparalleled tourist destination.~~†~~
 1799 (d) Revitalize Florida's space and aerospace industries,
 1800 and promote emerging complementary industries.~~†~~
 1801 (e) Promote opportunities for minority-owned businesses.~~†~~
 1802 (f) Assist and market professional and amateur sport teams
 1803 and sporting events in Florida.~~†~~ and
 1804 (g) Assist, promote, and enhance economic opportunities in
 1805 this state's rural and urban communities.
 1806 (h) Foster and encourage high-technology startup and
 1807 second-stage business development within the state.
 1808 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—
 1809 (b) In making their appointments, the Governor, the
 1810 President of the Senate, and the Speaker of the House of
 1811 Representatives shall ensure that the composition of the board
 1812 of directors reflects the diversity of Florida's business
 1813 community and is representative of the economic development
 1814 goals in subsection (2). The board must include at least one
 1815 director for each of the following areas of expertise:
 1816 international business, tourism marketing, the space or
 1817 aerospace industry, managing or financing a minority-owned
 1818 business, manufacturing, finance and accounting, rural economic
 1819 development, and sports marketing.
 1820 Section 16. Subsection (8) of section 288.9602, Florida

1821 Statutes, is amended to read:

1822 288.9602 Findings and declarations of necessity.—The
 1823 Legislature finds and declares that:

1824 (8) In order to efficiently and effectively achieve the
 1825 purposes of this act, it is necessary and in the public interest
 1826 to create a special development finance authority to cooperate
 1827 and act in conjunction with public agencies of this state and
 1828 local governments of this state, ~~through interlocal agreements~~
 1829 ~~pursuant to the Florida Interlocal Cooperation Act of 1969,~~ in
 1830 the promotion and advancement of projects related to economic
 1831 development, including redevelopment of brownfield areas,
 1832 throughout the state.

1833 Section 17. Paragraph (b) of subsection (3) of section
 1834 288.9604, Florida Statutes, is amended to read:

1835 288.9604 Creation of the authority.—

1836 (3)

1837 (b) The powers of the corporation shall be exercised by
 1838 the directors thereof. A majority of the directors constitutes a
 1839 quorum for the purposes of conducting business and exercising
 1840 the powers of the corporation and for all other purposes. An
 1841 action taken by the directors in furtherance of the purposes of
 1842 this act during the pendency of one or more vacancies is deemed
 1843 a valid and binding action of the corporation on the date taken,
 1844 without regard to the vacancy or vacancies. Action may be taken
 1845 by the corporation upon a vote of a majority of the directors
 1846 present, unless in any case the bylaws require a larger number.

1847 Any person may be appointed as director if he or she resides, or
 1848 is engaged in business, which means owning a business,
 1849 practicing a profession, or performing a service for
 1850 compensation or serving as an officer or director of a
 1851 corporation or other business entity so engaged, within the
 1852 state.

1853 Section 18. Paragraph (e) of subsection (2) of section
 1854 288.9605, Florida Statutes, is amended to read:

1855 288.9605 Corporation powers.—

1856 (2) The corporation is authorized and empowered to:

1857 (e) Enter into interlocal agreements ~~pursuant to s.~~
 1858 ~~163.01(7)~~ with public agencies of this state for the exercise of
 1859 any power, privilege, or authority consistent with the purposes
 1860 of this act.

1861 Section 19. Subsections (1), (2), (3), and (7) of section
 1862 288.9606, Florida Statutes, are amended, and subsection (8) is
 1863 added to that section, to read:

1864 288.9606 Issue of revenue bonds.—

1865 (1) ~~When authorized by a public agency pursuant to s.~~
 1866 ~~163.01(7)~~, The corporation has power in its corporate capacity,
 1867 in its discretion, to issue revenue bonds or other evidences of
 1868 indebtedness ~~which a public agency has the power to issue~~, from
 1869 time to time to finance the undertaking of any purpose of this
 1870 act, including, without limiting the generality thereof, the
 1871 payment of principal and interest upon any advances for surveys
 1872 and plans or preliminary loans, and has the power to issue

1873 refunding bonds for the payment or retirement of bonds
 1874 previously issued. Bonds issued pursuant to this section shall
 1875 bear the name "Florida Development Finance Corporation Revenue
 1876 Bonds." The security for such bonds may be based upon such
 1877 revenues as are legally available. In anticipation of the sale
 1878 of such revenue bonds, the corporation may issue bond
 1879 anticipation notes and may renew such notes from time to time,
 1880 but the maximum maturity of any such note, including renewals
 1881 thereof, may not exceed 5 years from the date of issuance of the
 1882 original note. Such notes shall be paid from any revenues of the
 1883 corporation available therefor and not otherwise pledged or from
 1884 the proceeds of sale of the revenue bonds in anticipation of
 1885 which they were issued. Any bond, note, or other form of
 1886 indebtedness issued pursuant to this act shall mature no later
 1887 than the end of the 30th fiscal year after the fiscal year in
 1888 which the bond, note, or other form of indebtedness was issued.

1889 (2) Bonds issued under this section do not constitute an
 1890 indebtedness within the meaning of any constitutional or
 1891 statutory debt limitation or restriction, and are not subject to
 1892 the provisions of any other law or charter relating to the
 1893 authorization, issuance, or sale of bonds. Bonds issued under
 1894 ~~the provisions of~~ this act are declared to be for an essential
 1895 public and governmental purpose. Bonds issued under this act,
 1896 ~~the interest on which is exempt from income taxes of the United~~
 1897 ~~States,~~ together with interest thereon and income therefrom, are
 1898 exempted from all taxes, except those taxes imposed by chapter

1899 220, on interest, income, or profits on debt obligations owned
 1900 by corporations, pursuant to s. 159.31.

1901 (3) Bonds issued under this section ~~shall be authorized by~~
 1902 ~~a public agency of this state pursuant to the terms of an~~
 1903 ~~interlocal agreement, unless such bonds are issued pursuant to~~
 1904 ~~subsection (7);~~ may be issued in one or more series; and shall
 1905 bear such date or dates, be payable upon demand or mature at
 1906 such time or times, bear interest rate or rates, be in such
 1907 denomination or denominations, be in such form either with or
 1908 without coupon or registered, carry such conversion or
 1909 registration privileges, have such rank or priority, be executed
 1910 in such manner, be payable in such medium of payments at such
 1911 place or places, be subject to such terms of redemption, with or
 1912 without premium, be secured in such manner, and have such other
 1913 characteristics as may be provided by the corporation. Bonds
 1914 issued under this section may be sold in such manner, either at
 1915 public or private sale, and for such price as the corporation
 1916 may determine will effectuate the purpose of this act.

1917 (7) Notwithstanding any provision of this section, the
 1918 corporation in its corporate capacity may, ~~without authorization~~
 1919 ~~from a public agency under s. 163.01(7),~~ issue revenue bonds or
 1920 other evidence of indebtedness under this section to:

1921 (a) Finance the undertaking of any project within the
 1922 state that promotes renewable energy as defined in s. 366.91 or
 1923 s. 377.803;

1924 (b) Finance the undertaking of any project within the

1925 state that is a project contemplated or allowed under s. 406 of
 1926 the American Recovery and Reinvestment Act of 2009; or

1927 (c) If permitted by federal law, finance qualifying
 1928 improvement projects within the state under s. 163.08.

1929 Section 20. Section 288.9610, Florida Statutes, is amended
 1930 to read:

1931 288.9610 Annual reports of Florida Development Finance
 1932 Corporation.—On or before 90 days after the close of the Florida
 1933 Development Finance Corporation's fiscal year, the corporation
 1934 shall submit to the Governor, the Legislature, and the Auditor
 1935 General, ~~and the governing body of each public entity with which~~
 1936 ~~it has entered into an interlocal agreement~~ a complete and
 1937 detailed report setting forth:

1938 (1) The results of any audit conducted pursuant to s.
 1939 11.45.

1940 (2) The activities, operations, and accomplishments of the
 1941 Florida Development Finance Corporation, including the number of
 1942 businesses assisted by the corporation.

1943 (3) Its assets, liabilities, income, and operating
 1944 expenses at the end of its most recent fiscal year, including a
 1945 description of all of its outstanding revenue bonds.

1946 Section 21. Section 288.991, Florida Statutes, is amended
 1947 to read:

1948 288.991 Short title.—This part ~~Sections 288.991–288.9922~~
 1949 may be cited as the "New Markets Development Program Act."

1950 Section 22. Subsections (3), (5), and (6) of section

1951 | 288.9914, Florida Statutes, are amended to read:
 1952 | 288.9914 Certification of qualified investments; investment
 1953 | issuance reporting.—
 1954 | (3) REVIEW.—
 1955 | (a) The department shall review applications to approve an
 1956 | investment as a qualified investment in the order received. The
 1957 | department shall approve or deny an application within 30
 1958 | calendar days after receipt.
 1959 | (b) If the department intends to deny the application, the
 1960 | department shall inform the applicant of the basis of the
 1961 | proposed denial. The applicant shall have 15 calendar days after
 1962 | it receives the notice of the intent to deny the application to
 1963 | submit a revised application to the department. The department
 1964 | shall issue a final order approving or denying the revised
 1965 | application within 30 calendar days after receipt.
 1966 | (c) The department may not approve a cumulative amount of
 1967 | qualified investments that may result in the claim of more than
 1968 | \$216.34 million in tax credits during the existence of the
 1969 | program or more than \$36.6 million in tax credits in a single
 1970 | state fiscal year. However, the potential for a taxpayer to
 1971 | carry forward an unused tax credit may not be considered in
 1972 | calculating the annual limit.
 1973 | (5) DURATION OF APPROVAL.—The qualified community
 1974 | development entity must issue the qualified investment in
 1975 | exchange for cash within 60 calendar days after it receives the
 1976 | order approving an investment as a qualified investment,

1977 otherwise the order is void.

1978 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The
 1979 qualified community development entity must provide the
 1980 department with evidence of the receipt of the cash in exchange
 1981 for the qualified investment within 30 calendar ~~business~~ days
 1982 after receipt.

1983 Section 23. Subsection (1) of section 288.9917, Florida
 1984 Statutes, is amended to read:

1985 288.9917 Community development entity reporting after a
 1986 credit allowance date; certification of tax credit amount.—

1987 (1) A qualified community development entity that has
 1988 issued a qualified investment shall submit the following to the
 1989 department within 30 calendar days after each credit allowance
 1990 date:

1991 (a) A list of all qualified active low-income community
 1992 businesses in which a qualified low-income community investment
 1993 was made since the last credit allowance date. The list shall
 1994 also describe the type and amount of investment in each business
 1995 and the address of the principal location of each business. The
 1996 list must be verified by the chief executive officer of the
 1997 community development entity.

1998 (b) Bank records, wire transfer records, or similar
 1999 documents that provide evidence of the qualified low-income
 2000 community investments made since the last credit allowance date.

2001 (c) A verified statement by the chief financial or
 2002 accounting officer of the community development entity that no

2003 redemption or principal repayment was made with respect to the
 2004 qualified investment since the previous credit allowance date.

2005 (d) Information relating to the recapture of the federal
 2006 new markets tax credit since the last credit allowance date.

2007 Section 24. Section 288.9923, Florida Statutes, is created
 2008 to read:

2009 288.9923 New capital requirement.—Effective July 1, 2015,
 2010 a qualified active low-income community business that receives a
 2011 qualified low-income community investment from a qualified
 2012 community development entity that issues qualified investments
 2013 under the New Markets Development Program Act, or any affiliates
 2014 of such qualified active low-income community business, may not
 2015 directly or indirectly:

2016 (1) Own or have the right to acquire an ownership interest
 2017 in a qualified community development entity or member or
 2018 affiliate of a qualified community development entity,
 2019 including, but not limited to, a holder of a qualified
 2020 investment issued by the qualified community development entity;
 2021 or

2022 (2) Loan to or invest in a qualified community development
 2023 entity or member or affiliate of a qualified community
 2024 development entity, including, but not limited to, a holder of a
 2025 qualified investment issued by a qualified community development
 2026 entity if the proceeds of such loan or investment are directly
 2027 or indirectly used to fund or refinance the purchase of a
 2028 qualified investment under this part.

2029
 2030 For purposes of this section, a qualified community development
 2031 entity is not considered an affiliate of a qualified active low-
 2032 income community business solely as a result of its qualified
 2033 low-income community investment in such business.

2034 Section 25. Section 288.913, Florida Statutes, is created
 2035 to read:

2036 288.913 Startup Florida Initiative.-

2037 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.-The Legislature
 2038 finds that successful high-technology startup and second-stage
 2039 businesses are critical to the state's overall economic growth
 2040 and such businesses play an outsized role in job creation. The
 2041 Legislature also finds that Enterprise Florida, Inc., the
 2042 state's economic development organization, is uniquely suited to
 2043 foster and encourage more high-technology startup and second-
 2044 stage business development within the state. Therefore, the
 2045 Legislature declares that it is the policy of the state to
 2046 prioritize high-technology startup and second-stage business
 2047 development within the state and directs Enterprise Florida,
 2048 Inc., to develop the Startup Florida Initiative to further said
 2049 policy.

2050 (2) DEFINITIONS.-As used in this section, the term:

2051 (a) "Advanced technology products" means high-technology
 2052 products produced by a business that employs a high proportion
 2053 of scientists, engineers, and technicians. Such products may be
 2054 classified within, but not be limited to, the following fields:

- 2055 1. Biotechnology products related to advanced scientific
- 2056 discoveries in genetics.
- 2057 2. Life science products related to the application of
- 2058 nonbiological scientific advances to medical science.
- 2059 3. Optoelectronic products related to the emission or
- 2060 detection of light.
- 2061 4. Information and communications products related to the
- 2062 processing of increased volumes of information in shorter
- 2063 periods of time.
- 2064 5. Electronics products related to design advances in
- 2065 electronic components that result in improved performance and
- 2066 capacity, or reduced size.
- 2067 6. Flexible manufacturing products related to robotics,
- 2068 numerically-controlled machine tools, and similar products
- 2069 involving industrial automation that allows for greater
- 2070 flexibility in the manufacturing process and reduction in the
- 2071 amount of human intervention.
- 2072 7. Advanced materials products related to advances in the
- 2073 development of materials that allow for further development and
- 2074 application of other advanced technologies.
- 2075 8. Aerospace products related to military and civil
- 2076 helicopters, airplanes, and spacecraft.
- 2077 9. Weapons products related to products with military
- 2078 application.
- 2079 10. Nuclear technology products related to nuclear power
- 2080 production apparatus.

2081 (b) "High-technology startup" means a business unit that
 2082 has been in operation for less than 5 years and employs fewer
 2083 than 10 employees, which produces a high proportion of advanced
 2084 technology products.

2085 (c) "Second-stage business" means a business unit that
 2086 employs at least 10 but not more than 50 employees, generates at
 2087 least \$1 million but not more than \$25 million in annual
 2088 revenue, and produces a high proportion of advanced technology
 2089 products.

2090 (3) STATEWIDE STRATEGIC PLAN.—

2091 (a) Enterprise Florida, Inc., shall develop a statewide
 2092 strategic plan for high-technology startup and second-stage
 2093 business growth and development in consultation with the
 2094 Institute for the Commercialization of Public Research, the
 2095 Florida Economic Gardening Institute, the state's local and
 2096 regional economic development organizations, and other
 2097 stakeholders, public and private, that have experience and
 2098 expertise in high-technology startup and second-stage business
 2099 growth and development activities.

2100 (b) In developing the strategic plan, Enterprise Florida,
 2101 Inc., shall evaluate best practices, examine the startup,
 2102 entrepreneurship, and second-stage business programs of other
 2103 states, and survey high-technology startups and second-stage
 2104 businesses and support organizations, both within and outside
 2105 the state.

2106 (c) The strategic plan shall include actionable steps to

2107 provide technical support to local and regional economic
 2108 development organizations to enhance high-technology startup and
 2109 second-stage business growth at local and regional levels.

2110 (d) The strategic plan shall include an evaluation of the
 2111 accessibility of the state's economic development incentive and
 2112 loan programs to high-technology startups and second-stage
 2113 businesses.

2114 (e) By January 1, 2016, Enterprise Florida, Inc., shall
 2115 deliver the strategic plan to the Governor, the President of the
 2116 Senate, and the Speaker of the House of Representatives.

2117 (f) Upon completion, the strategic plan shall become part
 2118 of the 5-year statewide strategic plan developed by the Division
 2119 of Strategic Business Development required by s. 20.60.

2120 (4) MARKETING.—Enterprise Florida, Inc., shall market the
 2121 state's economic development activities related to the growth
 2122 and development of high-technology startups and second-stage
 2123 businesses both inside and outside the state.

2124 (5) ANNUAL REPORT.—Enterprise Florida, Inc., shall provide
 2125 information regarding its activities related to the growth and
 2126 development of high-technology startups and second-stage
 2127 businesses in its annual report required by s. 288.906.

2128 Section 26. Section 189.033, Florida Statutes, is amended
 2129 to read:

2130 189.033 Independent special district services in
 2131 disproportionately affected county; rate reduction for providers
 2132 providing economic benefits.—If the governing body of an

2133 independent special district that provides water, wastewater,
 2134 and sanitation services in a disproportionally affected county,
 2135 as defined in s. 220.191(1)(g)1. ~~288.106(8)~~, determines that a
 2136 new user or the expansion of an existing user of one or more of
 2137 its utility systems will provide a significant benefit to the
 2138 community in terms of increased job opportunities, economies of
 2139 scale, or economic development in the area, the governing body
 2140 may authorize a reduction of its rates, fees, or charges for
 2141 that user for a specified period of time. A governing body that
 2142 exercises this power must do so by resolution that states the
 2143 anticipated economic benefit justifying the reduction as well as
 2144 the period of time that the reduction will remain in place.

2145 Section 27. Paragraph (a) of subsection (14) of section
 2146 196.012, Florida Statutes, is amended to read:

2147 196.012 Definitions.—For the purpose of this chapter, the
 2148 following terms are defined as follows, except where the context
 2149 clearly indicates otherwise:

2150 (14) "New business" means:

2151 (a)1. A business or organization establishing 10 or more
 2152 new jobs to employ 10 or more full-time employees in this state,
 2153 paying an average wage for such new jobs that is above the
 2154 average wage in the area, which principally engages in any one
 2155 or more of the following operations:

2156 a. Manufactures, processes, compounds, fabricates, or
 2157 produces for sale items of tangible personal property at a fixed
 2158 location and which comprises an industrial or manufacturing

2159 plant; or

2160 b. Is a target industry business as defined in s.
 2161 288.106(2)(n) ~~288.106(2)(q)~~;

2162 2. A business or organization establishing 25 or more new
 2163 jobs to employ 25 or more full-time employees in this state, the
 2164 sales factor of which, as defined by s. 220.15(5), for the
 2165 facility with respect to which it requests an economic
 2166 development ad valorem tax exemption is less than 0.50 for each
 2167 year the exemption is claimed; or

2168 3. An office space in this state owned and used by a
 2169 business or organization newly domiciled in this state; provided
 2170 such office space houses 50 or more full-time employees of such
 2171 business or organization; provided that such business or
 2172 organization office first begins operation on a site clearly
 2173 separate from any other commercial or industrial operation owned
 2174 by the same business or organization.

2175 Section 28. Paragraph (b) of subsection (2) of section
 2176 288.0001, Florida Statutes, is amended to read:

2177 288.0001 Economic Development Programs Evaluation.—The
 2178 Office of Economic and Demographic Research and the Office of
 2179 Program Policy Analysis and Government Accountability (OPPAGA)
 2180 shall develop and present to the Governor, the President of the
 2181 Senate, the Speaker of the House of Representatives, and the
 2182 chairs of the legislative appropriations committees the Economic
 2183 Development Programs Evaluation.

2184 (2) The Office of Economic and Demographic Research and

2185 OPPAGA shall provide a detailed analysis of economic development
 2186 programs as provided in the following schedule:

2187 (b) By January 1, 2015, and every 3 years thereafter, an
 2188 analysis of the following:

2189 1. The entertainment industry financial incentive program
 2190 established under s. 288.1254.

2191 2. The entertainment industry sales tax exemption program
 2192 established under s. 288.1258.

2193 3. The Florida Tourism Industry Marketing Corporation
 2194 ~~VISIT Florida~~ and its programs established or funded under ss.
 2195 288.122, 288.1226, 288.12265, and 288.124.

2196 4. The Florida Sports Foundation and related programs
 2197 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
 2198 ~~288.1168, 288.1169,~~ and 288.1171.

2199 Section 29. Subsections (1) and (3), paragraph (a) of
 2200 subsection (5), and paragraph (e) of subsection (7) of section
 2201 288.11625, Florida Statutes, are amended to read:

2202 288.11625 Sports development.—

2203 (1) ADMINISTRATION.—The department shall serve as the
 2204 state agency responsible for screening applicants for state
 2205 funding under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.f.~~

2206 (3) PURPOSE.—The purpose of this section is to provide
 2207 applicants state funding under s. 212.20(6)(d)6.d.
 2208 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,
 2209 reconstructing, renovating, or improving a facility.

2210 (5) EVALUATION PROCESS.—

2211 (a) Before recommending an applicant to receive a state
 2212 distribution under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.f.~~, the
 2213 department must verify that:

2214 1. The applicant or beneficiary is responsible for the
 2215 construction, reconstruction, renovation, or improvement of a
 2216 facility and obtained at least three bids for the project.

2217 2. If the applicant is not a unit of local government, a
 2218 unit of local government holds title to the property on which
 2219 the facility and project are, or will be, located.

2220 3. If the applicant is a unit of local government in whose
 2221 jurisdiction the facility is, or will be, located, the unit of
 2222 local government has an exclusive intent agreement to negotiate
 2223 in this state with the beneficiary.

2224 4. A unit of local government in whose jurisdiction the
 2225 facility is, or will be, located supports the application for
 2226 state funds. Such support must be verified by the adoption of a
 2227 resolution, after a public hearing, that the project serves a
 2228 public purpose.

2229 5. The applicant or beneficiary has not previously
 2230 defaulted or failed to meet any statutory requirements of a
 2231 previous state-administered sports-related program under s.
 2232 288.1162, s. 288.11621, s. 288.11631, or this section.
 2233 Additionally, the applicant or beneficiary is not currently
 2234 receiving state distributions under s. 212.20 for the facility
 2235 that is the subject of the application, unless the applicant
 2236 demonstrates that the franchise that applied for a distribution

2237 | under s. 212.20 no longer plays at the facility that is the
 2238 | subject of the application.

2239 | 6. The applicant or beneficiary has sufficiently
 2240 | demonstrated a commitment to employ residents of this state,
 2241 | contract with Florida-based firms, and purchase locally
 2242 | available building materials to the greatest extent possible.

2243 | 7. If the applicant is a unit of local government, the
 2244 | applicant has a certified copy of a signed agreement with a
 2245 | beneficiary for the use of the facility. If the applicant is a
 2246 | beneficiary, the beneficiary must enter into an agreement with
 2247 | the department. The applicant's or beneficiary's agreement must
 2248 | also require the following:

2249 | a. The beneficiary must reimburse the state for state
 2250 | funds that will be distributed if the beneficiary relocates or
 2251 | no longer occupies or uses the facility as the facility's
 2252 | primary tenant before the agreement expires. Reimbursements must
 2253 | be sent to the Department of Revenue for deposit into the
 2254 | General Revenue Fund.

2255 | b. The beneficiary must pay for signage or advertising
 2256 | within the facility. The signage or advertising must be placed
 2257 | in a prominent location as close to the field of play or
 2258 | competition as is practicable, must be displayed consistent with
 2259 | signage or advertising in the same location and of like value,
 2260 | and must feature Florida advertising approved by the Florida
 2261 | Tourism Industry Marketing Corporation.

2262 | 8. The project will commence within 12 months after

2263 receiving state funds or did not commence before January 1,
 2264 2013.

2265 (7) CONTRACT.—An applicant approved by the Legislature and
 2266 certified by the department must enter into a contract with the
 2267 department which:

2268 (e) Requires the applicant to reimburse the state by
 2269 electing to do one of the following:

2270 1. After all distributions have been made, reimburse at
 2271 the end of the contract term any amount by which the total
 2272 distributions made under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.f.~~
 2273 exceed actual new incremental state sales taxes generated by
 2274 sales at the facility during the contract, plus a 5 percent
 2275 penalty on that amount.

2276 2. After the applicant begins to submit the independent
 2277 analysis under paragraph (c), reimburse each year any amount by
 2278 which the previous year's annual distribution exceeds 75 percent
 2279 of the actual new incremental state sales taxes generated by
 2280 sales at the facility.

2281
 2282 Any reimbursement due to the state must be made within 90 days
 2283 after the applicable distribution under this paragraph. If the
 2284 applicant is unable or unwilling to reimburse the state for such
 2285 amount, the department may place a lien on the applicant's
 2286 facility. If the applicant is a municipality or county, it may
 2287 reimburse the state from its half-cent sales tax allocation, as
 2288 provided in s. 218.64(3). Reimbursements must be sent to the

2289 Department of Revenue for deposit into the General Revenue Fund.

2290 Section 30. Paragraph (c) of subsection (2) and paragraphs
 2291 (a), (c), and (d) of subsection (3) of section 288.11631,
 2292 Florida Statutes, are amended to read:

2293 288.11631 Retention of Major League Baseball spring
 2294 training baseball franchises.—

2295 (2) CERTIFICATION PROCESS.—

2296 (c) Each applicant certified on or after July 1, 2013,
 2297 shall enter into an agreement with the department which:

2298 1. Specifies the amount of the state incentive funding to
 2299 be distributed. The amount of state incentive funding per
 2300 certified applicant may not exceed \$20 million. However, if a
 2301 certified applicant's facility is used by more than one spring
 2302 training franchise, the maximum amount may not exceed \$50
 2303 million, and the Department of Revenue shall make distributions
 2304 to the applicant pursuant to s. 212.20(6)(d)6.c.

2305 ~~212.20(6)(d)6.e.~~

2306 2. States the criteria that the certified applicant must
 2307 meet in order to remain certified. These criteria must include a
 2308 provision stating that the spring training franchise must
 2309 reimburse the state for any funds received if the franchise does
 2310 not comply with the terms of the contract. If bonds were issued
 2311 to construct or renovate a facility for a spring training
 2312 franchise, the required reimbursement must be equal to the total
 2313 amount of state distributions expected to be paid from the date
 2314 the franchise violates the agreement with the applicant through

2315 the final maturity of the bonds.

2316 3. States that the certified applicant is subject to
 2317 decertification if the certified applicant fails to comply with
 2318 this section or the agreement.

2319 4. States that the department may recover state incentive
 2320 funds if the certified applicant is decertified.

2321 5. Specifies the information that the certified applicant
 2322 must report to the department.

2323 6. Includes any provision deemed prudent by the
 2324 department.

2325 (3) USE OF FUNDS.—

2326 (a) A certified applicant may use funds provided under s.
 2327 212.20(6)(d)6.c. ~~212.20(6)(d)6.e.~~ only to:

2328 1. Serve the public purpose of constructing or renovating
 2329 a facility for a spring training franchise.

2330 2. Pay or pledge for the payment of debt service on, or to
 2331 fund debt service reserve funds, arbitrage rebate obligations,
 2332 or other amounts payable with respect thereto, bonds issued for
 2333 the construction or renovation of such facility, or for the
 2334 reimbursement of such costs or the refinancing of bonds issued
 2335 for such purposes.

2336 (c) The Department of Revenue may not distribute funds
 2337 under s. 212.20(6)(d)6.c. ~~212.20(6)(d)6.e.~~ until July 1, 2016.
 2338 Further, the Department of Revenue may not distribute funds to
 2339 an applicant certified on or after July 1, 2013, until it
 2340 receives notice from the department that:

2341 1. The certified applicant has encumbered funds under
 2342 either subparagraph (a)1. or subparagraph (a)2.; and

2343 2. If applicable, any existing agreement with a spring
 2344 training franchise for the use of a facility has expired.

2345 (d)1. All certified applicants shall place unexpended
 2346 state funds received pursuant to s. 212.20(6)(d)6.c.
 2347 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
 2348 only as authorized in this section.

2349 2. A certified applicant may request that the department
 2350 notify the Department of Revenue to suspend further
 2351 distributions of state funds made available under s.
 2352 212.20(6)(d)6.e. for 12 months after expiration of an existing
 2353 agreement with a spring training franchise to provide the
 2354 certified applicant with an opportunity to enter into a new
 2355 agreement with a spring training franchise, at which time the
 2356 distributions shall resume.

2357 3. The expenditure of state funds distributed to an
 2358 applicant certified after July 1, 2013, must begin within 48
 2359 months after the initial receipt of the state funds. In
 2360 addition, the construction or renovation of a spring training
 2361 facility must be completed within 24 months after the project's
 2362 commencement.

2363 Section 31. (1) Any building permit, and any permit
 2364 issued by the Department of Environmental Protection or by a
 2365 water management district pursuant to part IV of chapter 373,
 2366 Florida Statutes, which has an expiration date of January 1,

2367 2016, through January 1, 2018, is extended and renewed for a
 2368 period of 2 years after its expiration date. This extension
 2369 includes any local government-issued development order or
 2370 building permit including certificates of levels of service.
 2371 This section does not prohibit conversion from the construction
 2372 phase to the operation phase upon completion of construction.
 2373 This extension is in addition to any existing permit extension.
 2374 Extensions granted pursuant to this section; s. 14 of chapter
 2375 2009-96, Laws of Florida, as reauthorized by s. 47 of chapter
 2376 2010-147, Laws of Florida; s. 46 of chapter 2010-147, Laws of
 2377 Florida; s. 73 or s. 79 of chapter 2011-139, Laws of Florida; s.
 2378 24 of chapter 2012-205, Laws of Florida; or s. 46 of chapter
 2379 2014-218, Laws of Florida, may not exceed 4 years in total.
 2380 Further, specific development order extensions granted pursuant
 2381 to s. 380.06(19)(c)2., Florida Statutes, may not be further
 2382 extended by this section.

2383 (2) The commencement and completion dates for any required
 2384 mitigation associated with a phased construction project are
 2385 extended so that mitigation takes place in the same timeframe
 2386 relative to the phase as originally permitted.

2387 (3) The holder of a valid permit or other authorization
 2388 that is eligible for the 2-year extension must notify the
 2389 authorizing agency in writing by December 31, 2015, identifying
 2390 the specific authorization for which the holder intends to use
 2391 the extension and the anticipated timeframe for acting on the
 2392 authorization.

2393 (4) The extension provided in subsection (1) does not
 2394 apply to:

2395 (a) A permit or other authorization under any programmatic
 2396 or regional general permit issued by the United States Army
 2397 Corps of Engineers.

2398 (b) A permit or other authorization held by an owner or
 2399 operator determined to be in significant noncompliance with the
 2400 conditions of the permit or authorization as established through
 2401 the issuance of a warning letter or notice of violation, the
 2402 initiation of formal enforcement, or other equivalent action by
 2403 the authorizing agency.

2404 (c) A permit or other authorization, if granted an
 2405 extension, that would delay or prevent compliance with a court
 2406 order.

2407 (5) Permits extended under this section continue to be
 2408 governed by the rules in effect at the time the permit was
 2409 issued unless it is demonstrated that the rules in effect at the
 2410 time the permit was issued would create an immediate threat to
 2411 public safety or health. This provision applies to any
 2412 modification of the plans, terms, and conditions of the permit
 2413 that lessens the environmental impact, except that any such
 2414 modification does not extend the time limit beyond 2 additional
 2415 years.

2416 (6) This section does not impair the authority of a county
 2417 or municipality to require the owner of a property who has
 2418 notified the county or municipality of the owner's intent to

2419 receive the extension of time granted pursuant to this section
 2420 to maintain and secure the property in a safe and sanitary
 2421 condition in compliance with applicable laws and ordinances.

2422 Section 32. Section 290.50, Florida Statutes, is created
 2423 to read:

2424 290.50 Local enterprise zone program.-

2425 (1) DEFINITIONS.-As used in this section, the term:

2426 (a) "Designated local enterprise zone area" means a
 2427 defined geographic area identified by the governing body of a
 2428 county or municipality, or by the governing bodies of a county
 2429 and one or more municipalities, that is targeted for accelerated
 2430 economic growth through the reduction of local taxes and
 2431 regulations. A designated local enterprise zone area must be
 2432 created by a local resolution as part of a local enterprise zone
 2433 program.

2434 (b) "Expanding business" means a business entity
 2435 authorized to do business in the state that increases its total
 2436 number of full-time employees by at least 10 percent and is
 2437 located in a designated local enterprise zone area.

2438 (c) "Local enterprise zone program" means a program
 2439 established by a local government pursuant to subsection (2).

2440 (d) "Newly established business" means any business entity
 2441 authorized to do business in the state that has conducted
 2442 operations for less than 1 year and is located in a designated
 2443 local enterprise zone area.

2444 (2) A local government may adopt a resolution establishing

2445 a local enterprise zone program through which it creates 1 or
 2446 more designated local enterprise zone areas and grants
 2447 exemptions from specified local taxes, fees, permits, and
 2448 licenses to newly established or expanding businesses.

2449 (3) A local government that establishes a local enterprise
 2450 zone program shall submit a copy of the resolution establishing
 2451 the program to the Department of Economic Opportunity within 20
 2452 calendar days after enacting the resolution.

2453 (4) A local enterprise zone program must exempt all newly
 2454 established or expanding businesses from the following taxes and
 2455 fees imposed by the local government for a minimum of 24
 2456 consecutive months:

2457 (a) Business taxes.

2458 (b) Impact fees.

2459 (c) Business, professional, and occupational regulatory
 2460 fees.

2461 (d) Green utility fees.

2462 (e) Building permit fees.

2463 (f) Special assessments, including but not limited to
 2464 services associated with beach renourishment and restoration,
 2465 downtown redevelopment, solid waste disposal, fire and rescue
 2466 services, fire protection, parking facilities, sewer
 2467 improvements, stormwater management services, street
 2468 improvements, and water and sewer line extensions.

2469 (g) Sign ordinance requirements, permits, and fees.

2470 (h) Tree and landscape ordinance requirements, permits,

2471 and fees.

2472 (5) A local government may not issue a citation for a
 2473 violation of a municipal code or ordinance applicable to:

2474 (a) A newly established business, for a period no less
 2475 than 24 months after commencement of the business's operations.

2476 (b) An expanding business, for a period of no less than 24
 2477 months after an expansion of the business that results in an
 2478 increase of the business's number of full-time employees of 10
 2479 percent or more.

2480 (c) Any business located within a designated local
 2481 enterprise zone area for a period no less than 24 months after
 2482 the creation of such zone.

2483 Section 33. Section 290.60, Florida Statutes, is created
 2484 to read:

2485 290.60 Enterprise zone certification program..-

2486 (1) PURPOSE.-The enterprise zone certification program is
 2487 hereby created for the purpose of certifying designated local
 2488 enterprise zone areas, as defined in s. 290.50, that are
 2489 submitted to the Department of Economic Opportunity pursuant to
 2490 s. 290.50(3).

2491 (2) APPLICATION.-

2492 (a) The governing body of a county or municipality or the
 2493 governing bodies of a county and one or more municipalities may
 2494 submit an application to the Department of Economic Opportunity
 2495 for certification of a designated local enterprise zone area as
 2496 an enterprise zone. Applications for certification must be

2497 received by the Department of Economic Opportunity by January 1
 2498 of each year and must include the following:

2499 1. An aerial map and legal description of the proposed
 2500 enterprise zone.

2501 2. Demographic information regarding the proposed
 2502 enterprise zone which includes unemployment, poverty, crime,
 2503 income, and property value metrics. The Department of Economic
 2504 Opportunity shall consult with the Office of Economic and
 2505 Demographic Research to develop or identify standard sources and
 2506 units of measurement for each required metric and make such
 2507 approved sources and units of measurement accessible to the
 2508 public on its website.

2509 3. Verification that the applicant has made available to
 2510 the public on its official county or municipal website a list of
 2511 local taxes, licenses, and fee data and information related to
 2512 the creation of a new business, the expansion of an existing
 2513 business, and the operation of an existing business, located in
 2514 the applicant's jurisdiction.

2515 4. A list and description of the local financial
 2516 incentives that have been or will be enacted by the applicant
 2517 for the purpose of assisting in the redevelopment of the
 2518 enterprise zone. These incentives may include the municipal
 2519 service tax exemption provided in s. 166.231, the economic
 2520 development ad valorem tax exemption provided in s. 205.054,
 2521 local impact fee abatement or reduction, low-interest or
 2522 interest-free loans or grants to businesses to encourage

2523 economic growth within the enterprise zone, and other local
 2524 financial incentives.

2525 5. A copy of the resolution adopted pursuant to s.
 2526 290.50(2), identifying the designated local enterprise zone
 2527 area.

2528 (b) The Department of Economic Opportunity may adopt rules
 2529 to develop forms and administer the requirements of this
 2530 section.

2531 (3) CERTIFICATION.-All timely submitted and completed
 2532 applications shall be certified by the Department of Economic
 2533 Opportunity and assigned a unique identification number by June
 2534 30 of each year. A certified enterprise zone is not required to
 2535 reapply for certification.

2536 (4) MARKETING.-The Department of Economic Opportunity
 2537 shall develop a marketing and advertising plan in coordination
 2538 with local governments for the purpose of highlighting the
 2539 benefits of the enterprise zone program and encouraging
 2540 increased business activity within certified enterprise zones.

2541 (5) ANNUAL REPORT.-

2542 (a) By October 1 of each year each local government
 2543 containing a certified enterprise zone within its jurisdiction
 2544 shall submit to the Department of Economic Opportunity for
 2545 inclusion in the annual report required under s. 20.60:

2546 1. The number and types of businesses established within
 2547 the certified enterprise zone during the previous fiscal year.

2548 2. The number of jobs created within the certified

2549 enterprise zone during the previous fiscal year.

2550 3. A detailed description of the local and state financial
 2551 incentives granted to businesses located in the certified
 2552 enterprise zone during the previous fiscal year.

2553 4. A detailed description of the local regulatory
 2554 incentives granted to businesses within the certified enterprise
 2555 zone during the previous fiscal year.

2556 5. Any other information requested by the Department of
 2557 Economic Opportunity.

2558 (b) The Department of Economic Opportunity shall include
 2559 in its annual report updated demographic information described
 2560 in subparagraph (2)(a)2., for each certified enterprise zone.

2561 (6) DECERTIFICATION.-A certified enterprise zone shall be
 2562 decertified by the Department of Economic Opportunity if:

2563 (a) The resolution creating the local enterprise zone
 2564 program has been repealed.

2565 (b) The local governing body or bodies in whose
 2566 jurisdiction the certified enterprise zone is located has
 2567 submitted a written request that the certified enterprise zone
 2568 be decertified. Such notification must include a resolution,
 2569 adopted by the governing body or bodies after a public meeting,
 2570 stating that decertification of the enterprise zone is in the
 2571 best interest of the community.

2572 Section 34. This act shall take effect July 1, 2015.